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GAUTENG**



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PART 1 OF 3

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DEPARTMENT OF HEALTH

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from Government Printing Works

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1602 OF 2015

LESEDI LOCAL MUNICIPALITY: BY LAWS ENACTED IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 (ACT 103 OF 1977), AND EMPOWERED BY THE MUNICIPAL SYSTEMS ACT.

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PART A**DEFINITIONS**1. **Definitions**

In these by-laws all words and phrases, except the words and phrases defined in these by-laws, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise-

"adequate" means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or

object is intended to serve;

"antisiphonage pipe" means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

"approval" means the approval granted by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"cleaning eye" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"communication pipe" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

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

"connection" means the point at which a drain is connected to a connecting sewer;

"conservancy tank" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"consumer" means -

- (a) the owner or occupier of any premises to which the Municipality supply services.
- (b) a person who has entered into a contract with the Municipality for the supply of the Municipal Service; or
- (c) a person who lawfully obtain Services from the Municipality;

"drain" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or antisiphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

"drainage installation" means an installation vested in the owner of premises and includes a drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, antisiphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

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

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or stormwater;

"main" means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

"Municipality" means the Lesedi Local Municipality established by General Notice 6770 in *Provincial Gazette Extraordinary* 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the Municipality's Mayoral Committee acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960), or any officer to whom the Mayoral Committee has delegated, in terms of the provisions of section 58(3) of that Ordinance, any function, duty or power vested in the Municipality in respect of these by-laws;

"owner" means -

- (a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (b) where the person in whom the legal title to premises is vested is

insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and

(c) in relation to-

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or

(ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

"piece of land" means -

(a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such erf, stand, lot, plot or other area; or

(b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

"premises" means a piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

"purified sewage effluent" means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

"sanitary fitting" or "sanitary appliance" means a soilwater fitting or waste-water fitting;

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

"sewage" means soil water, waste water or industrial effluent, whether separately or together;

"sewer" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"soil water" means a liquid containing human or animal excreta;

"soil-water fitting" means a fitting that is used to receive and discharge soilwater;

"soil-water pipe" means a pipe, other than a drain, that is used to convey soil water with or without waste water;

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

"stormwater" means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

"tariff" means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section 808 of the Local Government Ordinance (Ordinance 17 of 1939);

"trap" means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

"ventilation pipe" means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

"waste water" means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

"waste-water fitting" means a fitting that is used to receive and discharge waste water;

"waste-water pipe" means a pipe, other than a drain, that is used to convey waste water only;

"water care works" means a water works for the purification, treatment or disposal of effluent; and

"water seal" means the water in a trap which serves as a barrier against the flow of foul air or gas.

PART B

SCOPE OF BY-LAWS

2. Scope of by-laws

- (1) These by-laws are enacted in terms of the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or these by-laws.
- (2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

PART C

STREETS AND PAVEMENTS

3. **Catheads, cranes and platforms**

A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

4. **Slab footways and pavements**

- (1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.
- (2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following further requirements:
 - (a) For ordinary paving or slabs the minimum crossfall is 1:100 and the maximum crossfall is 1:25.
 - (b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15.
 - (c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.
- (3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

- (4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

5. **Plants on street verges**

- (1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.
- (2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.
- (3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

6. **Street gutter bridges**

No person may without the written permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

BUILDINGS

7 Encroachments

With the consent of the Municipality-

- (a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
- (b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m;
- (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and
- (d) a projection from any eaves may exceed a street boundary or building line.

8. Restriction on the erection of buildings within the one-in-fifty-year flood-line

- (1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.
- (2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.

- (3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

9. Relay of stormwater from high-lying erven to lower-lying erven

If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lower-lying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from which stormwater is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharged.

10. Enclosures

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of these by-laws.

11. Roofs

- (1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 months after construction thereof if the Municipality so requires.

- (2) No roof surface may have a luminous finish.

PART D

SEWERAGE

GENERAL PROVISIONS

12. Connection to sewer

- (1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- (2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.
- (3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be

effected at the owner's expense.

- (4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.
- (5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.
- (6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

13. Disconnection of drainage installations and conservancy and septic tanks

- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the

premises, the Municipality must issue a certificate to the effect that -

- (a) the disconnection has been completed in terms of the National Building Regulations; and
 - (b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.
- (3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).
- (4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under these by-laws.
- (5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

14. **Drainage work that does not meet the requirements**

- (1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these by-laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous by-laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.
- (2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.
- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.
- (4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of

the National Building Regulations or these by-laws -

- (a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws; and
 - (b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.
- (5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15. Maintenance

Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

16. Drain and sewer blockages

- (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

-
- (2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.
 - (3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.
 - (4) Any plumber or registered person contemplated in subsection (3) must-
 - (a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and
 - (b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.
 - (5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).
 - (6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

- (7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).
- (8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

17. Interference with or damage to sewers and water care works

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of non-compliance with or the contravention of any provision of the National Building Regulations or these by-laws must be rectified or repaired by the Municipality at the expense of the person responsible for such non-compliance or contravention or for causing or permitting such non-compliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

18. Entry onto premises

- (1) An officer authorised by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in

connection with a drainage installation as the Municipality may deem necessary.

- (2) The owner or occupier of any premises is guilty of an offence under these by-laws if he or she, in respect of an officer entering on the premises in terms of subsection (1) -
- (a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
 - (b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;
 - (c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or
 - (d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

19. **Manholes on municipal property**

- (1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner of the premises, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide, and such owner must bear the cost, as determined by the Municipality, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.

- (2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 808 of the Local Government Ordinance, 1939.

20. **Mechanical food-waste and other disposal units**

- (1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that -
- (a) the Municipality installs and seals the water meter at the cost of the owner; and
 - (b) the Municipality has the right of access to the water meter at all times.
- (2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.
- (3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

- (4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

PREVENTION OF WATER POLLUTION

21. **Sewage and other pollutants not to enter stormwater drains**

- (1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.
- (2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to -
- (a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or
- (b) contribute to the pollution of any watercourse,

the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimise the discharge or pollution.

22. **Stormwater not to enter sewers**

No person may discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a drainage installation.

23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

24. Permission to discharge industrial effluent

- (1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.
- (2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.
- (3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or

any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

- (4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -
 - (a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and
 - (b) liable for any damage caused as a result of the unauthorised discharge.
- (6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

- (a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
 - (b) a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.
- (7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1956, or as a result of any amendment to these by-laws or for any other reason, the Municipality may from time to time or at any time-
- (a) review, amend, modify or revoke any permission given or any conditions attached to such permission;
 - (b) impose new conditions for the acceptance of industrial effluent into a sewer; or
 - (c) prohibit the discharge of any or all industrial effluent into a sewer,
- provided that -

- (i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and
- (ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. **Control of industrial effluent**

- (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-laws, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.
- (2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality.
- (3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of these by-laws, do all or any of the following:

- (a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Act, 1956.
- (b) The owner or occupier must-
- (i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and
 - (ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).
- (c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -

-
- (i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or
 - (ii) discharging any domestic sewage through the separate installation for industrial effluent.
- (d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.
- (e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SASS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.
- (f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.
- (g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any

borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

26. Metering and assessment of the volume and composition of industrial effluent

- (1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.
- (2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must-
 - (a) register the borehole or well with the Municipality;
 - (b) give the Municipality full particulars of the discharge capacity of the borehole or well; and
 - (c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the

expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these by-laws.

27. Prohibited discharges

- (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which-
- (a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;
 - (c) has a pH value less than 6,0 or greater than 10,0;
 - (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;
 - (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;
 - (f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;
 - (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;

- (h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that-
 - (i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
 - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not -
 - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
 - (bb) prejudice the use of sewage for re-use; or
 - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
- j) contains any substance whatsoever which, in the opinion of the Municipality-

- (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
 - (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956; or
 - (iii) whether listed in Schedule II or not, either alone or in combination with other matter may -
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.
- (2) (a) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

- (c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-laws. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

PART E

WATER

28. Connection from main

- (1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.
- (2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.
- (3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler

and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

29. Valves in communication pipes

Every communication pipe must be fitted with a proper stop valve, which valve -

- (a) must be supplied by the Municipality at the expense of the consumer to whose premises the communication pipe leads;
- (b) must be installed between the consumer's premises and the main; (c) must be of the same diameter as the communication pipe; and
- (d) must be in such position as may be determined by the Municipality.

30. Additions to fire extinguishing system

No further sprinkler may without the prior written consent of the Municipality be added or connected to any existing fire extinguishing system after such system has been connected to the main.

31. Extension of fire extinguishing system to other premises

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

32. Inspection and approval of fire extinguishing services

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that-

- (a) such service is in accordance with these by-laws; and
- (b) the work in connection with the system has been carried out to the Municipality's satisfaction.

33. Connections to be to the satisfaction of the Municipality

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

34. Installation of reflux valves

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

35. Sprinkler systems

- (1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.

- (2) When an automatic sprinkler system on any premises has been installed and completed, the owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

36. Header tanks and duplicate supply from main

If a header tank is installed above ground level, the header tank must be provided with an overflow pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

PART F

NOTICES

37. Notices

- (1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by an officer of the Municipality who is duly authorised thereto.
- (2) Any notice, order or other document served on any person in terms of these by-laws must be served in the following manner:
- (a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or

- (b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last-known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

PARTG

OFFENCES AND PENALTIES

38. Offences and penalties

- (1) Notwithstanding any provision of these by-laws in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.
- (2) A person commits an offence if he or she fails in any way to comply with a notice which has been served on him or her by the Municipality and in which he or she is ordered to do or not to do something and, where such failure continues, he or she commits such offence each day or part of the day on which the failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

SCHEDULE I**CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY**

1. **Height restrictions**
 - (1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1 m, irrespective of the type of material from which the enclosure is made.
 - (2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.
2. **Design and appearance**
 - (1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:
 - (a) All surfaces of the enclosure that are visible from an adjacent street or public open space must -
 - (i) be skilfully finished;
 - (ii) be of good quality material;
 - (iii) be without any defect; and

- (iv) have an exposed or finished side.
 - (b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.
 - (c) If the enclosure is made of precast material, it must-
 - (i) have a brick-pattern finish and be painted white; or
 - (ii) be of a finish or colour approved by the Municipality.
 - (d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.
- (2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:
- (a) All surfaces of the enclosure that front on an adjacent erf must-
 - (i) be skillfully finished;
 - (ii) be of good quality material;
 - (iii) be without any defect; and
 - (iv) be maintenance-free.
 - (b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.

- (c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

3. **General**

Notwithstanding the provisions of paragraphs 1 and 2 -

- (a) the Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;
- (b) an enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;
- (c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;
- (d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and
- (e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:

(1) The limits of pH and electrical conductivity of sewage are as follows:

(a) PH: within the range of 6,0 to 10,0; and

(b) Electrical conductivity: not greater than 300 m/Sm at 20 °C.

(2) The maximum permissible concentrations of pollution in sewage, Expressed in milligrams per litre (mg/l), are as follows:

(a) GENERAL

(i) Permanganate value (PV): 1 400 *mg/l*;

(ii) caustic alkalinity (expressed as CaCO₃): 2 000 *mg/l*;

(iii) substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 *mg/l*;

(iv) substances soluble in petroleum ether: 500 *mg/l*;

(v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 *mg/l*;

- (vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or water care works (expressed as HCN): 20 *mglt* ;
 - (vii) formaldehyde (expressed as CH₂O): 50 *mglt* ;
 - (viii) phenolic compounds: 1,0 *mglt*;
 - (ix) non-organic solids in suspension: 100 *mglt*;
 - (x) chemical oxygen demand (COD): 5 000 *mglt* ;
 - (xi) all sugars and/or starches (expressed as glucose): 1 500 *mglt*;
 - (xii) available chlorine (expressed as Cl): 100 *mglt* ;
 - (xiii) sulphates and sulphites (expressed as S₀₄): 1 800 *mglt*;
 - (xiv) fluorine-containing compounds (expressed as F): 5 *mglt* ;
 - (xv) anionic surface activators: 500 *mg/t* ; and
 - (xvi) orthophosphates (expressed asP): 10 *mg/t*
- (b) METALS
- (i) Group 1

The total collective concentration of the following metals (which constitute Group 1) in any sample of effluent may not exceed 20 mg/t, nor may the concentration of any individual metal in any sample exceed 5 mg/t

(aa) Chromium (expressed as Cr);

(bb) copper (expressed as Cu); (cc)

nickel (expressed as Ni);

(dd) zinc (expressed as Zn);

(ee) silver (expressed as Ag);

(ff) cobalt (expressed as Co);

(gg) cadmium (expressed as Cd); and

(hh) manganese (expressed as Mn).

(ii) Group 2

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/t, nor may the concentration of any individual metal in any sample exceed 20 mg/t

(aa) Lead (expressed as Pb);

- (bb) selenium (expressed as Se); and
- (cc) mercury (expressed as Hg).

(iii) Group 3

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/t

- (aa) Arsenic (expressed as As); and
- (bb) boron (expressed as B).

(c) RADIOACTIVE WASTE

Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

2. The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

LOCAL AUTHORITY NOTICE 1603 OF 2015**LESEDI LOCAL MUNICIPALITY****CREDIT CONTROL BY-LAW**

The Municipal Manager of LESEDI LOCAL Municipality hereby publishes in terms of Section 13 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) read with Section 162 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) the Lesedi Local Municipality Credit Control By-Law which shall come into operation on the date of publication hereof

[1] DEFINITIONS

In these by-laws words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates:-

“**Arrangement**” means a written agreement entered into between the Council and the debtor where specific repayment parameters are agreed to.

“**Council**” means the municipal council as referred to in Section 157 of the Constitution.

“**Credit Control**” means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

“**Customer**” means any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

“**Defaulter**” means any person owing the Council arrear monies in respect of taxes and/or service charges.

“**Effective Date**” shall mean 30 days from the date of publication and promulgation of the same on the Provincial Gazette.

“**Municipal Manager**” means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act ,1998 [Act 117 of 1998] as amended and includes a person acting in this position.

“**Occupier**” means any person who occupies any premises or part thereof, without regard to the title under which he or she so occupies.

“**Owner**” means

- [a] The person in whom from time to time is vested the legal title to premises;
- [b] In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.
- [c] In a case where the council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;
- [d] In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof
- [e] In relation to –
 - [i] A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
 - [ii] A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person

[f] any legal person including but not limited to:

- [i]** A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.
- [ii]** Any Department of State.
- [iii]** Any Council of Board established in terms of any legislation applicable to the Republic of South Africa.
- [iv]** Any Embassy or other foreign entity.

“Premises” includes any piece of land, the external surface boundaries of which are delineated on:

- [a]** A general plan or diagram registered in terms of the Land Survey Act, (9 of 1927) or in terms of the Deed Registry Act, 47 of 1937; or
- [b]** A sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

“Financial Officer” means a person appointed by the Council to manage, inter alia, the Council’s financial administration and debt collection of the Council’s debtors and includes any person acting in this position.

[2] CREDIT CONTROL POLICY

[2.1] The Council shall have a written policy on credit control and debt collection which shall be termed the Credit Control and Debt Collection Policy and which may provide for -

- [a]** Credit control procedures and mechanisms;
- [b]** Debt collection procedures and mechanisms;
- [c]** Provision for indigent debtors;

- [d] Interest on arrears;
 - [e] Extensions of time for payment of accounts, including arrangements for payment;
 - [f] Termination of services or the restriction of the provision of services when payments are in arrears;
 - [g] The provision of new services;
 - [h] An agreement between a debtor's employer and the Council to deduct amounts from the debtors salary or wage;
 - [i] Any other matter which is incidental to credit control and debt collection;
 - [j] The sale in execution of any property.
- [2.2] In determining its policy, the Council may differentiate between categories of persons, clients, debtors and owners as it may deem appropriate provided such differentiation does not amount to unfair discrimination.

[3] POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICES

- [3.1] The Council may restrict or disconnect the supply of water and electricity or discontinue any other service rendered to any premises whenever a user of any such service:
- [a] Fails to make full payment on the due date or fails to make an acceptable arrangement for the repayment of any amount for services, rates or taxes;
 - [b] Fails to comply with a condition of supply imposed by the Council;
 - [c] Obstructs the efficient supply of water, electricity or any other municipal services to another customer;
 - [d] Supplies such municipal service to a customer who is not entitled thereto or permits such a service to continue;

- [e] Tampers with any municipal supply meter or bypasses any metering equipment in order to obtain an un-metered service;
 - [f] Causes a situation which in the opinion of the council is dangerous or a contravention of relevant legislation;
 - [g] Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act 24 of 1936 or any other applicable law;
 - [h] If an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such a user,
- [3.2] The right of Council to restrict water to any premises or consumer shall be subject to the provisions of section 4 of the Water Services Act, 108 of 1997.
- [3.3] The right to restrict, disconnect or terminate a service shall be in respect of any service rendered by Council, and shall prevail notwithstanding the fact that payment has been made in respect of any specific service and notwithstanding the fact that the person who entered into an agreement for the supply of services with the Council and the owner are different entities or persons, as the case may be.
- [4] **SALES IN EXECUTION**
- [4.1] The Council may only sell a property in execution in terms of a policy determined by it from time to time.
- [5] **POWER OF ENTRY AND INSPECTION**
- [5.1] A duly authorized representative of the Council may for any purpose related to the implementation or enforcement of these by-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purposes of installing or repairing any meter or service connection reticulation, or to disconnect, stop or restrict the provision of any service.

[5.2] If the Council considers it necessary that work be performed to enable an employee to perform a function referred to in sub-section 5.1 properly and effectively, it may -

[a] By written notice require the owner or occupier of the premises at his own expense to do specific work within a specified period; or

[b] If in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

[5.3] If the work referred to in sub-section 5.2 [b] above is carried out for the sole purpose of establishing whether a contravention of these by-laws has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with the expense of restoring the premises to its former condition.

[6] ARRANGEMENTS TO PAY OUTSTANDING AND DUE AMOUNTS IN CONSECUTIVE INSTALMENTS

[6.1] A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions as determined by the Credit Control and Debt collection Policy of the Council:

[a] The outstanding balance, costs and any interest thereon in regular and consecutive monthly instalments;

[b] The written agreement being signed on behalf of the Council by a duly authorized officer.

[c] That in the event of any dispute arising as to the amount owing by an owner or occupier in respect of municipal services such owner or occupier shall, notwithstanding such dispute, proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account the time value of money to be determined by the Financial Officer as well as the annual amendments of tariffs of the Council.

[7] RECONNECTION OF SERVICES

The Financial Officer shall authorize the reconnection of services or the reinstatement of service delivery after satisfactory payment and/ or arrangements for payment has or have been made by the debtor in accordance with the Council's Credit Control Policy.

[8] GENERAL PROVISIONS

[8.1] Notices and Documents

[a] A notice or document issued by the Council in terms of these by-law shall be deemed to be duly issued if signed by an employee duly authorized by the Council.

[b] If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:

[i] Delivering the notice to him personally or to his duly authorized agent or:

[ii] By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;

[iii] If he has nominated an address for legal purposes, by delivering the notice to such an address; or

[iv] By registered or certified post addressed to his last known address.

[v] In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;

[vi] If service cannot be effected in terms of the aforesaid sub-sections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

[8.2] Authentication of Documents

[a] Every order, notice or other document requiring authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorized employee of the Council;

- [b] Delivery of a copy of the document shall be deemed to be delivery of the original.

[8.3] Full and final settlement of an amount

- [a] The Financial Officer shall be at liberty to appropriate monies received in respect of any municipal services provided by the Municipality in a manner he deems fit in accordance with the Credit Control Policy of the Council .
- [b] Where the exact amount due and payable to the Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, shall not be deemed to be in final settlement of such an amount unless permitted by the Credit Control Policy of the Council.
- [c] The provisions in sub-section [a] above shall prevail notwithstanding the fact that such a lesser payment was tendered and/or accepted in full settlement.

[8.4] Interest charges

Subject to the provisions of any other law relating to interest, the Council may charge and recover interest in respect of any arrears amount due and payable to it.

[8.5] Prima Facie Evidence

A certificate under the hand of the Municipal Manger reflecting the amount due and payable to the Council shall upon mere production thereof be accepted by any court of law as prima fade evidence of the indebtedness reflected therein.

[9] POWER OF COUNCIL TO RECOVER COSTS

[9.1] Dishonoured payments

Where any payment made to the Council is later dishonoured by the bank, the Council may levy such costs and administration fees as may be reasonable and enforceable in terms of prevailing legislation.

[9.2] Legal Fees

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

[9.3] Cost to remind debtor of arrears

Any cost incurred in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, e-mail, letter or otherwise, that his payments are due, may be levied against the account of the debtor.

[9.4] Disconnection fees

Where any service is discontinued as a result of non-compliance with these by-laws by the debtor, the Council shall be entitled to levy and recover the standard disconnection fee as determined by it from time to time from such debtor.

[9.5] Accounts

The Council may –

- [a]** Consolidate any separate accounts of persons liable for payments to the municipality;
- [b]** Credit a payment by such a person against any account of that person; and
- [c]** Implement any of the debt collection and credit control measures provided for in these by-laws in relation to any arrears on any of the accounts of such a person.

[10] SERVICE AGREEMENT

No supply of services shall be given unless and until application has been made by a customer on the prescribed form and a service agreement has been entered into between such customer and the Municipality and a deposit as security equal to an amount as determined by the Council from time to time has been paid in full by such a customer.

[11] ASSESSMENT RATES**[11.1] Amount due for assessment rates**

- [a]** All assessment rates due by property owners are payable by the fixed date as determined by Council.
- [b]** Joint owners of property shall be jointly and severally liable for payment of assessment rates
- [c]** Assessment rates may be paid as an annual single amount, or in equal payments or payments of varying amounts as determined by the Council.
- [d]** Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

[11.2] Claim on rental for assessment rates in arrears

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

[11.3] Liability of Company Directors for assessment rates

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

[11.4] Disposed of Council's property and payment of assessment rates

- [a]** The purchaser of Council property is liable for the payment of assessment rates on the property from the date such property was sold to the purchaser.

- [b] In the event of the Council repossessing the aforesaid property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

[11.5] Assessment rates payable on municipal property

- [a] The lessee of municipal property shall be responsible for payment of any general assessment rates payable on such property for the duration of the lease.
- [b] The Financial Officer may elect to include the assessment rates in respect of a property in the rental payable by the lessee.

[12] RELAXATION, WAIVER AND DIFFERENTIATION

[12.1] The Council may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters provided such differentiation does not amount to unfair discrimination.

[12.2] The Council may, in a specific instance and for a particular owner or customer and subject to such conditions as the Council may deem fit, relax or waive in writing the requirements of any provision of these by-laws.

[13] REPORTING OF DEFAULTERS

The Council may, in its discretion and through a duly delegated employee report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be available personal information on the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal persons.

[14] REPEAL OF COUNCIL CREDIT CONTROL BY-LAWS

The provisions of any by-law or by-laws relating to the control of credit by the Council of any Council now comprising an administrative unit of the Council are hereby repealed

[15] OFFENCES

Any person who-

- [a] Fails to give the access required by an employee in terms of these by-laws;
- [b] Obstructs or hinders an employee in the exercise of his or her powers or performance of functions or duties under these by-laws;
- [c] Uses or interferes with Council equipment or consumption of services supplied;
- [d] Tampers or breaks any seal on a meter or on any equipment belonging to the Council or for any reason as determined by the Financial Officer causes a meter not to properly register the service used;
- [e] Fails or refuses to give an employee such information as he or she may reasonably require for the purpose of exercising his or her power or functions under these by-laws or gives such an officer false or misleading information knowing it to be false or misleading;
- [f] Contravenes or fails to comply with a provision of these by-laws.

shall be guilty of an offence and be liable upon conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding six month's or both such a fine and imprisonment and, in addition, may be charged for usage, as estimated by the Financial Officer based on average usage during the previous 6 months or as may be determined by resolution of the Council from time to time;

[7] Short title

These by laws shall be known as the Credit Control Bylaws

[8] Effective date

These bylaws shall come into operation thirty days from the date of promulgation and publication of the same on the provincial gazette .

[16] CONFLICT AND REPEALING OF THE BY-LAWS

If there is any conflict between these by-laws the policy, these by-laws will prevail.

All the By –Laws with the same title promulgated previously by the Lesedi Local Municipality will, from the date of promulgation of this By-Law, repealed.

LOCAL AUTHORITY NOTICE 1604 OF 2015**LESEDI LOCAL MUNICIPALITY****SOLID WASTE BY-LAWS****By-law**

To provide for the collection and removal of business, domestic and industrial refuse within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Lesedi Local Municipality, as follows

CHAPTER 1**Definitions**

For the purpose of these By-laws, unless the context otherwise indicates:

- 1) **“builders refuse”** means refuse generated by demolition, excavation or building activities on premises;
- 2) **“bulky refuse”** means refuse generated on any premises but which by virtue of its mass, shape, size and quantity cannot be removed with ease without damage to the plastic liner and includes tree stumps, tree branches, hedge stumps and –branches but excludes noxious waste;
- 3) **“business refuse”** means refuse generated on a premises which is not a private residency that is to be used exclusively for residential purposes, and excludes domestic refuse, builder’s refuse, bulky refuse, trade refuse, special domestic refuse, garden refuse and special trade refuse;
- 4) **“consumer”** means a person to whom the Council has agreed to supply with refuse removal services or is actually supplying with refuse removal services, or if there is no such person, the owner of the premises;
- 5) **“contaminated sharps”** means discharged sharps (e.g. hypodermic needles, syringes, pasteur pipettes broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical research or industrial laboratories
“contractor” means the person, firm or company whose tender/quotation has been accepted by or on behalf of the
“Council” means the Lesedi Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws;
- 6) Municipality and includes the Contractor’s heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Council, any assignee of the contractor;

- 7) **“Council”** means the Lesedi Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws;
- 8) **“domestic refuse”** means refuse which includes light soft garden refuse normally originating from a building used for residential purposes, including hostels, compounds, welfare organizations, churches and halls situated on private property or other premises and which can be removed with ease by use of an approved container;
- 9) **“garden refuse”** means refuse generated as a result of normal garden activities, such as grass cuttings, leaves, plants, flowers and other small and light matter and which can be removed in a plastic liner, with ease, and without damage to the said plastic liner;
- 10) **“general public”** means ordinary people, small users who make use of the landfill site such as residents, households and small industries but excludes contractors, medium to large businesses/industries and Council;
- 11) **“hazardous waste”** means waste which can, even in low concentrations, have a significant adverse effect on public health and/or the environment because of its inherent chemical and physical characteristics such as toxic, ignitable, corrosive, carcinogenic or other properties;
- 12) **“illegal dumping”** means refuse that has been left at a place with the intention of abandoning it, such refuse as sand, paper, plastic bottles, builder’s rubble and any other material that may create a nuisance or that is unsightly and detrimental to the environment;
- 13) **“industrial refuse”** means refuse generated as a result of production, manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshaling yards, but shall not include ; noxious waste, builder’s refuse, business refuse, special refuse or domestic refuse

- 14) **“infectious refuse”** means any waste which is generated during the diagnosis treatment or immunization of humans or animals, in the research pertaining to this; in the manufacturing or testing of biological agents-including blood, blood products and contaminated blood products, cultures, pathological wastes, sharps, human and animal anatomical wastes and isolation wastes that contain or may contain infectious substances;
- 15) **“informal settlement”** means the illegal dwelling occupation of proclaimed or unproclaimed vacant land of which the occupants have access to conventional basic services such as running water, water borne sewerage or electricity;
- 16) **“investigation officer”** means a person who has been appointed by resolution of the means the Lesedi Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws;
- 17) Municipality to ascertain facts concerning an incident and/or accident within Solid Waste Management Services;
- 18) **“isolation waste”** means waste generated by hospitalized patients isolated to protect others from communicable disease;
- 19) **“landfill site”** means premises or an area specifically set aside for the disposal of refuse, and which has been approved and accepted by Council, and which has been registered in accordance with the Environmental Conservation Act (Act 73 of 1989) as amended;
- 20) **“law enforcement officer”/“peace officer”** means any person appointed in terms of Section 334 of the Criminal Procedure Act 51/1977 and Government Notice R159 of 2/2/1979 and by resolution of Lesedi Local Municipality;
- 21) **“mass waste container”** means a bulk container which may be used for the removal of bulky, builders, trade, and garden refuse;
- 22) **“medical waste”** means waste emanating primarily from human and veterinary hospitals, clinics, doctor’s consulting rooms, chemists, hospices, laboratories, mortuaries, research facilities and sanitary services which may comprise *inter alia*, sharps (used hypodermic needles and scalped blades), malignant tissue, contaminated gloves, soiled bandages and liner, and spent or outdated medicines or drugs;
- 23) **“noxious waste”** means waste which is toxic, hazardous, injurious or originating from abattoir which is detrimental to the environment;
- 24) **“nuisance”** means a nuisance as defined in the Local Government Ordinance, No 17 of 1939, the Council’s Public Health By-laws as promulgated under Administrator’s Notice No.148 of 21 February 1951 as amended, and any other condition detrimental to the environment;
- 25) **“occupier (also occupant)”** in relation to any premises means:
- Any person in occupation of premises at any relevant time;
 - Any person legally entitled to occupy the premises;
 - Any person in control or management of a premises;
- 26) **“owner”** in relation to any premises means:-
- The person in whose name the premises is registered or the person’s authorized agent;
 - If the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity;
 - If the premises is leased and registration in the Deeds office is a prerequisite for the validity of the lease, the lessee;
 - A person receiving rent or profit issuing there from, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;

- e) Where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;
- 27) **“plastic liners”** means a plastic bag of adequate strength as prescribed by Lesedi Local Municipality which can be placed inside a container;
- 28) **“premises”** means an erf or any other portion of land including any building thereof or any other structure utilized for business or residential purposes;
- 29) **“public place”** has the same meaning as defined in the Local Government Ordinance, 1939;
- 30) **“refuse”** means materials in a solid or liquid form which are or appear to have been abandoned or otherwise accumulated;
- 31) **“refuse container”** means a container as approved by Lesedi Local Municipality and which can be supplied at a fixed tariff or a rent tariff or in any other way as determined;
- 32) **“refuse removal tariff”** means the tariff, charges, fees or any other moneys payable as determined by the Council in terms of the Local Government: Municipal Systems Act 32 of 2000;
- 33) **“refuse transfer site/mini disposal site”** means a site approved by the Council for the disposal and temporary storage of garden refuse, builders refuse, bulky refuse, and domestic refuse excluding trade, business, special trade or hazardous waste;
- 34) **“service”** means a refuse removal service (in respect of refuse whether solid or liquid) which in the opinion of Council is rendered or can be rendered on a regular basis;
- 35) **“special industrial refuse”** means refuse, consisting of a liquid or sludge, resulting from a manufacturing process or the pre-treatment for disposal purposes of any industrial waste, which may not be discharged into a drain or a sewer in terms of the National Building Regulations and Building Standards, (Act No 103 of 1977);
- 36) **“waste products”** means a product as defined in Government Notice 1986 of 24 August 1990, promulgated in terms of the Environment Conservation Act 1989 (No 73 of 1989);
- 37) **“working days”** mean the days that the Council is open for business and shall exclude weekends, public holidays as well as the period starting from the Christmas public holidays to the end of the New Year public holidays.

CHAPTER 2

COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC REFUSE

The Council's Service

2. (1) The Council shall provide a service for the collection and removal of business, domestic and industrial refuse from premises at the tariff charge as prescribed in the annexure to these By-laws.
- (1) The occupier(s) and/or owner(s) of premises on which business, industrial or domestic refuse is generated shall subject to the proviso to section 7(1), use the Council's service except in cases where special written exemption is granted by Council to occupier(s) and/or owner(s) of premises to make use of private companies for refuse removal services.
- (2) The owner(s) and/or occupier(s) of the premises on which the business or domestic refuse is generated shall be liable individually or jointly to the Council charge in respect of the collection, removal and disposal of business and domestic refuse from such premises and all moneys payable to Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner(s) and/or occupier(s) still be responsible

for payment of the applicable tariffs jointly or individually.

- (3) The owner(s) and/or occupier(s) of premises on which business and domestic refuse is generated shall be responsible for payment of the applicable domestic tariff as well as a minimum of one business service or the number of business services as determined by Council from time to time.
- (4) The owner(s) and/or occupier(s) in respect of individual premises on premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which business or domestic refuse is generated shall be liable individually to the Council for the tariff charge in respect of the collection, removal and disposal of business or domestic refuse from such premises and all moneys payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner(s) and/or occupier(s) still be responsible for payment of the applicable tariffs jointly or individually.

General Provision

3. (1) The occupier and/or owner or in the case of more than one the owners of premises, on which business refuse or domestic refuse is generated shall within seven days after the commencement of the generation of such refuse notify the Council in writing –
 - (a) that the premises are being occupied; and
 - (b) whether business refuse or domestic refuse or both the aforementioned is being generated on the premises.
- (2) Where the premises is vacated it is the responsibility of the occupier(s) and/or owner(s) to inform Council in writing on or before the day of vacating that the service delivery should be ceased and the tariff charge should be cancelled.
- (3) Where in terms of section 2(2), a third party is removing refuse it is the responsibility of the occupier(s) and/or owner(s) to inform Council that the service must no longer be rendered and that the tariff charged should be cancelled, failing which the occupier(s) and/or owner(s) will be held liable for tariff charge for the full period.
- (4) All private entities/contractors removing refuse (including garden service businesses) from premises within the Lesedi Local Municipality shall register with the Council. No refuse removal service may be conducted without prior registration.
- (5) The submission of proof of a safe disposal certificate by the private entities/contractors on an approved landfill site to the Council on a regular monthly basis.

Delivery of bins and containers

4. (1) (a) After notification in terms of section 3, the Council shall, after investigation, determine the number of refuse bins required on such premises.
- (b) The owner of such residential or business premises shall be responsible for the supply of the predetermined number and type of refuse bins as required by the Council from time to time. All bins utilized by the owner(s) and/or occupier(s) shall comply with Council specifications.
- (c) Refuse bins may be supplied by the Council when possible on request at ruling prices.
- (2) The owner's liability to pay an adjusted tariff for business (monthly) or domestic refuse (in advance) shall only take effect on the date the bins are delivered to or removed from the premises, and the Council's records serving as proof of such delivery or removal.

The provision of this section shall apply mutatis mutandis on owners utilizing private owned bins/containers.

- (3) The Council shall determine the kind/type of service and the frequency of the service.
- (4) The Council may deliver mass waste containers to premises if, having regard to the quantity of refuse generated on the premises concerned, the suitability of such refuse for storage in containers, and the accessibility and adequacy of the space provided by the owner(s) and/or occupier(s) of the premises in terms of section 5, to the refuse collection vehicles, it considers mass waste containers more appropriate than refuse containers for the storage of the refuse.
- (5) The provisions of these By-laws dealing with refuse containers delivered to premises for the storage of refuse in terms of subsection (1) and (3) shall apply mutatis mutandis in respect of mass containers delivered to premises in terms of subsection (4).
- (6) The owner(s) and/or occupier(s) of any premises shall keep the contents of the refuse container or other approved waste container (except for bulk containers) covered at all times (save when refuse is being deposited therein or discharged therefrom) and the owner(s) and/or occupier(s) of any premises shall be responsible for the loss of or damage to any such refuse container or refuse containers or any other waste container and costs for the repair/ replacement of the waste container will be recovered from the owner of the container.
- (7) The Council shall remain the owner of the refuse containers or other approved containers delivered by it in terms of subsections (1) and (4).

Placing of bins

5. (1) The owner(s) and/or occupier(s) of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the Council which complies with the National Building Regulations (SABS 0400 – 1990) on the premises for the storage of the bins or containers determined by the Council in terms of section 4 or for the equipment and containers mentioned in section 8.
- (2) The space provided in terms of subsection (1) shall-
 - (a) be in such a position on the premises as to allow the storage of bins or containers without their being visible from a street, a public place, or any other premises except if determined otherwise by Council;
 - (b) be where business refuse is generated on the premises be in such a position as will allow the collection and removal of such refuse by the Council's employees without hindrance;
 - (c) be where domestic refuse is generated on a premises the refuse containers or plastic lining with refuse therein must be properly tied and be placed outside the fence or boundary or any such other place (not stands or baskets) as determined by Council but only on the days of removal;
 - (d) be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles; and
 - (e) be sufficient to house all refuse, including the materials and any containers used in the sorting and storage of the refuse contemplated in section 7 (1) (a) and 8 (6): Provided that this requirement shall not apply in the case of building erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these By-laws.
- (3) The owner(s) and/or occupier(s) of premises shall place or cause the bins or containers delivered in terms of section 4 to be placed in the space provided in terms of subsection (1) and shall at all times keep it there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained-

- (a) in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these By-laws; and
- (b) in the event of the Council, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1), the Council may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse container/s shall be placed for the collection and removal of such refuse and such refuse containers shall be placed in such a position at such times and for such period as the Council may require.

Refuse container liners

- 6. (1) In order to facilitate the collection of refuse, the Council may require that refuse container liners be used for the storage of such refuse in containers, and where 240 litre or other approved containers are utilized.
- (2) The owner(s) and/or occupier(s) of premises to which refuse containers have been delivered in terms of section (4) and also where refuse containers are not provided, including where the 240 litre containers are being used, shall place the refuse container or cause the full refuse container liner properly tied up, to be placed just outside the fence or boundary of the premises on the street boundary of the premises or on any such other place as determined by Council before 07:00, as determined by the refuse removal guide/calendar excluding the central business areas where refuse containers or liners shall be placed out the afternoon before the day of collection whereby the owner(s) and/or occupier(s) shall be responsible of placing the refuse to be collected on the sidewalk.
- (3) The full refuse container liner placed in accordance with subsection (2) shall be undamaged.
- (4) Only refuse container liners approved by Council may be used.

Use and care of refuse containers

- 7. (1) The owner(s) and/or occupier(s) of premises, to which refuse containers have been delivered by the Council in terms of section (4), or where containers are supplied by the owner(s) and/or occupier(s) shall ensure that-
 - (a) all the domestic or business refuse generated on the premises shall be placed and kept in such refuse containers for removal by the Council: Provided that the provisions of this subsection shall not prevent any owner(s) and/or occupier(s) who has obtained the Council's prior written consent from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass, or other material for recycling in a manufacturing process or, in the case of swill, for consumption;
 - (b) not hot ash, unwrapped glass or other business or domestic refuse or toxic and noxious waste which may cause damage to refuse containers or refuse container liners or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, shall be placed in refuse containers before suitable steps have been taken to avoid such damage or injury;
 - (c) every refuse container (except for bulk container) on the premises shall be covered with a suitable lid save when refuse is being deposited therein or discharged there from, and every refuse container shall be kept in a clean and hygienic condition.
- (2) No refuse container so delivered in accordance with section 4, may be used for any purpose other than the storage of business or domestic refuse and no fire shall be lit in such container/bin.
- (3) The refuse containers so delivered in accordance with section 4, may be emptied by the Council at such intervals as per the refuse removal calendar or at other intervals as it may

deem necessary.

- (4) In the event of a mass waste container having been delivered in terms of section 4 (4), where no fixed interval for removal was specified, the owner(s) and/or occupier(s) of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof.
- (5) The owner(s) and/or occupier(s) of premises to which refuse containers were delivered in terms of section 4 or to which containers were delivered in terms of section 8, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (6) The owner(s) and/or occupier(s) of premises to which refuse containers were delivered shall report all damages to refuse containers to Council.
- (7) Those containers for ad hoc domestic use are made available to the client for a maximum of seven (7) days.

Compaction of refuse

8. (1) Should the quantity of refuse generated on premises be such as to require the daily removal of 240 litre bins and should, in the opinion of the Council, the major portion of such refuse be compactable, or should the owner(s) and/or occupier(s) of premises wish to compact any volume of such refuse, such owner(s) and/or occupier(s), shall compact that portion of such refuse as is compactable and shall put it into an approved container or wrapper, and the provision of section 5 shall not apply to such compactable refuse, but shall apply to all other refuse.
- (2) The contents of the wrapper mentioned in subsection (1) shall not exceed 35 kilograms and shall constitute one service.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the refuse container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner(s) and/or occupier(s) of the relevant premises.
- (5) (a) Any container used in terms of subsection (10) shall be collected, emptied and returned to the premises by the Council at such intervals as it may deem necessary; and
(b) The owner(s) and/or occupier(s) of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Council to the premises.
- (6) The provision of this section shall not prevent any owner(s) and/or occupier(s) of premises who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- (7) "Approved", for the purpose of subsection (1), shall mean approved by the Council, regard being had to the fitness of the container or wrapper for its purpose, and also to the reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

CHAPTER 3

INDUSTRIAL AND TRADE REFUSE

The Council's service

9. Subject to the provision of section 10, the provisions of Chapter 2 in respect of business and domestic refuse shall apply mutatis mutandis to industrial refuse: Provided that the provisions of section 8 shall not apply unless the owner(s) and/or occupier(s) of premises wishes to compact such refuse.
- (1) The owner(s) and/or occupier(s) of premises on which industrial and trade refuse is generated shall ensure that, until such time as such refuse is removed from the premises on which it was generated and subject to section 7 (1) (a) which shall apply mutatis mutandis, such refuse be stored in the refuse containers or other approved containers delivered by the Council.
 - (2) The owner(s) and/or occupier(s) of such premises shall ensure that no dust or other nuisance is caused by industrial and trade refuse generated on the premises.
 - (3) Informal traders who generate trade refuse shall ensure that the refuse is removed from the premises on which it was generated and subject to section 7(1) (a) such refuse be stored in the refuse containers or other approved containers delivered by the Council.

**Removal of industrial and trade refuse
by private persons**

10. (1) Notwithstanding the provision of Chapter 2, the owner(s) and/or occupier(s) of new/existing premises/building may use the services of a person authorized in writing by the Council to remove industrial and trade refuse if the Council is advised in writing to this effect by the owner(s) and/or occupier(s) before such service is commenced, and the Council shall determine the type and frequency of such service and written permission shall be given thereof.
- (2) The Council may give its authorization and/or permission referred to in subsection (1) subject to such conditions as it may deem fit. In laying down the conditions, the Council may have regard to:
- (a) Ensuring that no refuse container or other approved container, used for the storage and removal of industrial refuse from premises, shall be kept in a public place except if otherwise approved by Council;
 - (b) the equipment which is intended to be used;
 - (c) the containment of the industrial and trade refuse in transit;
 - (d) ensuring that the industrial and trade refuse is deposited at a sanitary landfill site approved by the Council; and proof of a safe disposal certificate shall be made available to Council as and when required;
 - (e) ensuring that the service rendered by the person authorized in terms of subsection (1) shall be in respect of industrial and trade refuse only; and
 - (f) in the event of a person authorized in terms of subsection (1) the owner(s) and/or occupier(s) shall notify the Council of the composition and quantity of industrial and trade refuse removed.
- (3) In the event of a person authorized in terms of subsection (1) being in breach of any condition upon which the authorization was given, the Council may cancel such authorization.
- (4) In the event of the owner(s) and/or occupier(s) of premises on which industrial and trade refuse is generated having notified the Council in terms of subsection (4), such owner(s) and/or occupier(s) shall ensure that such refuse is disposed of in terms of the provision of this Chapter within a reasonable time after the generation thereof.

Storage and disposal of industrial and trade refuse

11. A person authorized by the Council to remove industrial and trade refuse shall dispose of such refuse in a manner approved by the Council and according to the Minimum Requirements for Waste Disposal by

Landfill (1998).

CHAPTER 4

GARDEN AND BULKY REFUSE

Removal and disposal of garden and bulky refuse

12. (1) The owner(s) and/or occupier(s) of premises on which garden, or bulk refuse is generated shall ensure that such refuse is disposed of in terms of this Chapter within a reasonable time considered by Council after the generation thereof: Provided that garden refuse may be retained on the premises in an approved manner for the making of compost if it will not cause a nuisance.
- (2) (a) Any person may remove and dispose of garden refuse, bulky refuse or builders rubble: Provided that once it has been removed, free of charge or at a prescribed tariff as determined by the Council, from the premises of which it was generated, it is deposited on an approved sanitary landfill site or refuse transfer station. No builder rubble may be disposed of at mini disposal sites.
- (b) The owner(s) and/or occupier(s) of premises in which garden refuse, builder's rubble or bulky refuse is generated shall ensure that such refuse is deposited as per section (2)(a) and a proof of safe disposal certificate of such refuse be submitted to Council as and when required.
- (c) Notwithstanding the provisions of section (2) (a), the owner(s) and/or occupier(s) of premises shall utilize the services of a person authorized by Council to remove special domestic or bulk refuse provided that the authorization has been obtained prior to the commencement of the service and such person complies with the conditions that the Council may deem fit. Such refuse may only be brought to the refuse transfer station in loads not exceeding 5,5 m³ in volume on light delivery vehicles, or trailers not exceeding 1 ton or loads determined by Council or at mini disposal sites with LDVs or trailers not exceeding 1 ton or loads determined by Council.
- (d) No person entering a free refuse transfer station shall deposit any refuse other than that contemplated in subsection (2) (a) in the containers provided at such sites.
- (e) For the purpose of reclamation of land, builders refuse may with the written consent of the Council, be deposited at a place other than the Council's refuse disposal site or refuse transfer site.
- (3) The provisions of sections 15 and 16 shall apply mutatis mutandis when containers are used for the collection of garden, special domestic and bulky refuse.

The Council's special service

13. (1) At the request of the owner(s) and/or occupier(s) of premises and after payment of the tariff charge or by submission of the account number to the Council, the Council shall provide containers or mass waste containers for removal of garden, builders and bulky refuse from premises: Provided that the Council is able to do so with its refuse removal equipment.
- (2) At the request of the owner(s) and/or occupier(s) or manager of premises the Council may provide a special service for the removal of refuse at the prescribed tariff as determined by Council from time to time.
- (3) At the request of the owner(s) and/or occupier(s) of premises and if the Council is not able to remove such refuse with its equipment, the owner(s) and/or occupier(s) is responsible to load such containers.
- (4) At the request of the owner(s) and/or occupier(s) of premises, Council can enter premises if

owner(s) and/or occupier(s) take responsibility for damages to premises.

CHAPTER 5

BUILDERS REFUSE

Responsibility for builders refuse

14. (1) The owner(s) and/or occupier(s) of premises on which builders refuse is generated shall ensure that –
- (a) such refuse is disposed of in terms of section 17 within a time considered reasonable by the Council after the generation thereof; and
 - (b) until such time as builders refuse is disposed of in terms of section 17 and subject to the provision of section 15, such refuse together with the containers used for the storing or removal thereof, shall be kept on the premises on which it was generated.
- (2) No person may, without the Council's written permission on such conditions as it deems fit, use the services of any other person for the removal of builders refuse, unless such other person has been authorized by the Council on such conditions as the Council may impose, to remove builders refuse.

Containers

15. (1) If a mass waste container used for the removal of builders refuse from premises should in the opinion of the Council not be kept on the premises, such mass waste container may with the written consent of the Council be placed in an allocated area outside the premises for the period of such consent.
- (2) Any consent given in terms of subsection (1) shall be subject to such condition as the Council may consider necessary.
- (3) The Council may determine a charge for any such consent.
16. Every mass waste container authorized in terms of section 15 (1) and used for the removal of builders refuse shall -
- (a) have clearly marked on it the name and address or telephone number of the person in control of such mass waste container;
 - (b) be fitted with reflecting chevrons or reflectors which shall outline the front and the back thereof, and
 - (c) be covered at all times during storage or transport so that no displacement of its contents can occur.

Disposal of builders refuse

17. (1) Subject to the provisions of subsection (2) hereof, all builders refuse shall be deposited at a sanitary landfill site approved by the Council.
- (2) For the purpose of land reclamation builders refuse may with the written consent of the Council be deposited at a place other than the sanitary landfill site approved by the Council.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may impose.

CHAPTER 6

**SPECIAL INDUSTRIAL, HAZARDOUS,
MEDICAL AND INFECTIOUS REFUSE**

**Notification of generation of special industrial, hazardous, medical
and infectious refuse**

18. (1) A person engaged in an activity which causes special industrial, hazardous, medical or infectious refuse to be generated, shall notify the Council within seven days of such generation of the composition thereof, the quantity generated, method of storage, the proposed duration of storage, and the manner in which it will be removed.
- (2) It is required by the Council that the notification referred to in subsection (1) shall be substantiated by an analysis certified by a duly qualified industrial chemist.
- (3) Subject to the provisions of section 72 of the Local Government Ordinance, 1939, the Council or any person duly authorized by the Council may enter premises at any reasonable time to ascertain whether special industrial, hazardous, medical or infectious refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Council in terms of subsection (1), the person referred to in subsection (1) shall notify the Council of any changes in the composition and quantity of the special industrial, hazardous, medical or infectious refuse occurring thereafter.

**Storing of special, industrial, hazardous,
medical and infectious refuse**

19. (1) The person referred to in section 18 (1) shall ensure that the special industrial, hazardous, medical or infectious refuse generated on the premises is kept and stored thereon in terms of section 18 (1) until it is removed from the premises in terms of section 20.
- (2) Special industrial, hazardous, medical or infectious refuse stored on premises shall be stored in such manner that it cannot become a nuisance, safety hazard or pollute the environment.
- (3) If special industrial, hazardous, medical or infectious refuse is not stored in terms of subsection (2) on the premises on which it is generated the Council may order the owner(s) and/or occupier(s) of the premises and/or the person referred to in section 18 (1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may itself or through any person remove it at the owner(s) and/or occupier(s) expense or the expense of the person referred to in section 18 (1), or both, as the case may be.
- (4) Hazardous, medical or infectious refuse shall be stored in a container approved by the Council and such container shall be kept in an approved storage area for a period not exceeding the maximum period to be stipulated by the Council before removal in terms of section 20.
- (5) The containers for medical and infectious waste must comply with the following minimum requirement:
- (a) All infectious waste must be placed at the point of generation into a container approved by the Council;
- (b) the container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use;
- (c) the container used for the removal of other contagious materials has to be manufactured of a material which will prevent the contents from leaking out. The container has to be equipped with a safe and hygienic lid, and has to be sealed after

utilization; and

- (d) all containers must be clearly marked with the universal bio-hazardous waste symbol.

**Removal of special industrial hazardous,
medical and infectious refuse**

20. (1) (a) No person may, without or not in accordance with the Council's written approval of conditions, remove special industrial, hazardous, medical and infectious refuse from a premises at which it has been generated.
- (b) Hazardous, medical or infectious refuse may only be transported in accordance with the requirements of the Council, with the focus on the type of vehicle, its markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such refuse.
- (2) The person referred to in section 18 (1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of that section, of the removal of special industrial, hazardous, medical or infectious refuse, the identity of the remover, the date of such removal, the quantity and the consumption of the special industrial, hazardous, medical or infectious refuse removed.
- (3) The Council may give its consent in terms of subsection(1), subject to such conditions as it may deem fit.
- In laying down conditions the Council shall have regard to :
- a) The composition of the special industrial, hazardous, medical and infectious refuse;
- b) the suitability of the vehicle and container to be used;
- c) the place where the refuse shall be disposed of; and
- d) proof to the Council of such disposal.
- (4) The Council shall not give its consent in terms of subsection(1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial, hazardous, medical and infectious refuse and complies with the conditions laid down by the Council.
- (5) No person shall dispose of any infectious refuse by incinerating it unless the Council's prior written permission has been given to incinerate such refuse.
- (6) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the refuse as directed by the Council, or the Council or an approved contractor may dispose of such refuse and recover the costs from such person.
- (7) Should any person be caught disposing illegally special industrial, hazardous, medical and infectious refuse, such person contravenes the Environment Conservation Act 73 of 1989 and will be handled as such.

CHAPTER 7

LANDFILL SITES , MINI DISPOSAL SITES AND REFUSE TRANSFER STATIONS

Procedure at landfill sites, mini disposal sites and refuse transfer stations

21. (1) Every person who for the purpose of disposing of refuse enters a landfill site or satellite station or mini disposal site controlled by the Council, shall-

- (a) enter the landfill site or satellite station at an authorized access point;
 - (b) give the Council all the particulars required in regard to the composition of the refuse; and
 - (c) follow all instructions given to him in regard to the actual disposal point, the place where and the manner in which the refuse should be deposited;
 - (d) enter the refuse transfer station or landfill site or mini disposal site at their own risk and the Council shall not be held responsible for any losses and damages.
- (2) No person shall bring any intoxicating liquor onto a landfill site or refuse transfer station or mini disposal site controlled by the Council.
 - (3) No person shall enter a landfill site or refuse transfer station or mini disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of these By-laws, and then only at such times and between such hours as the Council may from time to time determine and as displayed at the waste disposal site.
 - (4) No person shall enter a landfill site or refuse transfer station or mini disposal site with the purpose of scavenging.
 - (5) The owner(s) and/or occupier(s) of premises, in the jurisdiction of the Council, on which domestic refuse, garden refuse, small quantities of bulky refuse and builders rubble can dispose free of charge or at a prescribed tariff determined by Council from time to time at the refuse transfer station.
 - (6) The owner(s) and/or occupier(s) of residential premises, in the jurisdiction of the Council, on which domestic refuse, garden refuse and small quantities of bulky refuse area generated, can dispose such waste free of charge or at a prescribed tariff determined by Council at Council's mini disposal sites, provided the waste is not generated on a business premises and the load of the vehicle do not exceed 1000kg.

Ownership of refuse

- 22.** All refuse on landfill sites and refuse transfer stations or mini disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorized by the Council to do shall remove or interfere therewith.

CHAPTER 8

LITTERING, DUMPING AND ANCILLARY MATTERS

Littering

- 23.** (1) No person shall-
- (a) throw, let fall, deposit, spill or in any other way discard, any refuse into or onto any public place, vacant erf, farm portion, stream or watercourse, other than into a refuse container provided for the purpose or onto a landfill site or satellite station controlled by the Council;
 - (b) sweep any refuse into a gutter, on a road reserve or any other public place; and
 - (c) allow any person under his control to do any of the acts contemplated in (a) and (b).

Dumping

- 24.** (1) Subject to any provision to the contrary in the By-law contained, no person shall leave anything

under his control at a place where such thing has been brought with the intention of abandoning it.

- (2) Once it has been alleged that a person has left a thing or allowed a thing to be left at a place of

which he is not the owner(s) and/or occupier(s), he shall be deemed to have contravened the provisions of subsection (1) until the contrary is proved.

- (3) Any person who contravenes the provisions of subsection (1), shall be guilty of an offence and liable, on conviction to a fine not exceeding **R 2 000.00** or to imprisonment for a period not exceeding 24 months or to both such fine and such imprisonment, as well be liable to the Council the tariff charge in respect of such removal and disposal.

Abandoned things

25. Anything other than a vehicle deemed to have been abandoned in terms of section 14 of the Road Traffic Act, No 29 of 1989, is in the light of such factors as the place where it is found, the period it has been lying at such places and the nature and condition of such thing, reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

Liability of responsible person

26. (1) Where anything has been removed and disposed of by the Council in terms of section 25 the person responsible shall be liable to pay the Council the tariff charge in respect of such disposal.
- (2) For the purpose of subsection (1) the person responsible shall be-
- (a) the last owner of the abandoned thing, before it was collected by the Council or Council's Contractor, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place; or
 - (b) any person by whom it was put in the place aforesaid; or
 - (c) any person who knowingly permitted the putting of the abandoned thing in the place aforesaid.
- (3) Where refuse bins/containers have been stolen, the owner(s) and/or occupier(s) of premises shall be responsible for the replacement of the bins.

CHAPTER 9

GENERAL PROVISIONS

Access to premises

27. (1) Where the Council provides a refuse collection service, the owner(s) and/or occupier(s) of premises shall grant the Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council in the carrying out of its service and the Council shall not be liable for any damage of property caused by the heavy refuse removal vehicle .
- (2) Where in the opinion of the Council the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse

collectors or any person, it may, as a condition of rendering a refuse collection service in respect of the premises, require the owner(s) and or occupier(s) to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

Charges

28. (1) Save where otherwise provided in these By-laws, the person to whom any service mentioned in these By-laws has been rendered by the Council shall be liable to the Council for the tariff charge determined by the Council.
- (2) Services rendered by the Council in respect of which a tariff charge is prescribed, may be altered by the Council if it has ascertained that an increase or decrease in such services is justified, or after receipt of a written notification from the owner(s) and/or occupier(s) of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or reduces in volume, and the Council is satisfied that a change in service is justified.
- (3) If written consent in subsection (2) is received, the tariff charge will not be reduced and shall be payable until the Council is satisfied that an alteration in service is justified.
- (4) Tariff charges prescribed shall become due and payable on the same date as the general assessment rate levied: Provided that if such tariff charges are increased, any unpaid balance owing to the Council on the total amended charges will be due and payable to the Council on demand.
- (5) Any person who fails to pay the tariff charge in respect of services rendered by the Council be guilty of an offence.
- (6) Should any organization be able to produce a certificate of registration as a non-profit organization issued by the Department of Social Development, such an organization may apply for exemption from refuse removal levies; it either be:
- (a) Levied the applicable domestic refuse removal charge as reflected in the tariff schedule;
- (b) the organization be exempted from paying all refuse removal charges.
- (7) That where bulk container services are not rendered on a scheduled basis or at least once per month, a minimum basic charge for the rendering of one bulk container service be levied.
- (8) Where tariffs are not provided in the tariff schedule of the Council's Solid Waste Management By-laws for the rendering of exceptional services such a tariff will be calculated on the basis of the estimated cost plus 20%, excluding VAT.

Registered organizations in subsection (6) refer to, may include hospice, old age homes, retirement villages, service centres utilized by the aged and community service providers.

Offences and penalties

29. (1) Any person who contravenes or fails to comply with any provision of these By-laws, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R10 000 or to community correctional service for a period not exceeding six months, or to both such fine and community correctional service.

Revocation of By-laws

- (1) The Refuse (Solid Waste) and Sanitary By-laws of the

Municipality, published under the same title, as amended, are hereby repealed: Provided that such repeal shall not affect the continued validity of charges determined by the Council under those By-laws.

- (2) Any reference-
- (a) in these By-laws to a charge determined by the Council shall include a charge determined by the Council under the By-laws repealed by subsection (1), until the Council's determination of charges under these By-laws comes into operation; and
 - (b) in a determination of charges made under the By-laws so repealed, to a provision in those By-laws shall be deemed to be a reference to the corresponding provision in these By-laws.
- (3) Anything done under the provisions of these By-laws repealed by subsection (1), shall be deemed to have been done under the corresponding provision of these By-laws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these By-laws is valid under the By-laws so repealed.

For Office Use

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Council Resolution:

Gauteng Provincial Gazette Number

Local Authority Notice Number

LOCAL AUTHORITY NOTICE 1605 OF 2015**LESEDI LOCAL MUNICIPALITY****WATER SUPPLY BY-LAWS****By-law**

To provide for the provision, management and regulation of water supply within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Lesedi Local Municipality, as follows:-

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Definitions

1. (1) For the purpose of these by-laws, unless the context otherwise indicates -
 "accommodation unit", in relation to any premises, means a building or section of a occupied or used or intended for occupation or used for residential, business or industrial purposes or any other purpose;
 "approved" means approved by the Council in writing;
 "commercial use" means the use of water for trading purposes;

"connection pipe" means any pipe leading from a municipal main to the premises of any consumer as far as the outlet of the meter box case where the meter is installed outside the premises, or in the case where the meter is installed inside the premises of any consumer in terms of these by-laws, as far as the outlet of the meter

"consumer" means a person to whom the Council has agreed to supply water or is

supplying with water, or if there is no such person, the owner of the premises;

"council" means the Lesedi Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws;

"domestic use" means the use of water for every kind of household purpose;

"industrial use" means the use of water for mining manufacturing, generating electricity, land-based transport, construction or any related purpose;

"local authority area", means the area or district placed under the control and jurisdiction of the Council;

"normal flow" means between 50 % and 55 % of the maximum flow capacity of the meter; "occupier", in relation to any premises means –

- (a) the person in actual occupation thereof;
- (b) the person legally entitled to occupy the premises;
- (c) the person having the charge or management of the premises;

"owner", in relation to any premises, means the person in whose name the premises is registered and includes –

- (a) if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or in any other capacity;
- (b) If the premises are leased and registration in a deed registry is a prerequisite for the validity of the lease, the lessee;
- (c) The owner's authorised agent or a person receiving the rent of the premises in question on behalf of the owner; or
- (d) Where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

"record" means reading taken on the premises over a non-fixed period either by Council or through contractors employed by the Council;

"residential premises" means any premises used or intended for use solely for domestic purposes and which is not used for trade, business, manufacturing or industrial purposes;

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

"service agreement" means a contract concluded between the Council and any person in terms of section 7 for the supply of water by the Council to such person;

"treasurer" means Town or Lesedi Treasurer or any other officer authorised to act on his behalf;

"water connection" means the stopcock, water meter and meter box provided at the end of a connection pipe for the supply of water to any premises; a water connection provided by the Council on a water main by means of a connection pipe, water meter and isolating valve for the supply of water to any premises;

"water installation" means the pipes and water fittings installed on, and vesting in the owner of any premises for the purpose of the use on the premises of water supplied by the Council;

"water main" means a pipe forming part of the Council's water reticulation system, but does not include a connection pipe;

“water service” means supply of water from a water main by means of an approved connection provided by the Council pursuant to a service agreement;

"water tariff", in relation to a local authority area, means the tariff of charges, fees and other moneys determined by the Council concerned in terms of section 80(b) of the Local Government Ordinance, 1939.

In these regulations "SABS" followed by a number or a number and a title, is a reference to the specification of the indicated number published by the Council of the South African Bureau of Standards, and all amendments thereof, and which are available for inspection at the office of the Council at any time during official office hours.

Domicillium document the address of the consumer recorded by the treasurer shall be deemed to be the domicillium citandi of the consumer. Citandi – For the purpose of the service of any notice, order or other.

Infringement of By-laws – Any owner or occupier having or using upon his premises, and any person providing, installing, laying down or connecting, or permitting or causing to be provided, installed, laid down or connected upon any premises any service or part thereof which fail to comply with the requirements of these by-laws shall be guilty of an offence under these by-laws.

CHAPTER 1

PROVISIONS RELATING TO THE SUPPLY OF WATER BY THE COUNCIL

Council's sole right to supply water from water main

2. (1) No person shall obtain the supply of water or take any water from a water main other than by means of a water connection provided by the Council pursuant to a service agreement concluded in accordance with the provisions of these regulations.
- (2) Any person who uses water services provided by the Council do so subject to any applicable condition as set by the Council.

Prerequisites for supply of water by Council

3. (1) The Council shall not be obliged to supply water to any premises in the local authority area, whether for household, business or industrial purposes, unless -
 - (a) the owner or occupier of such premises has concluded with the Council a service agreement; and
 - (b) all other requirements prescribed by these regulations for procuring such supply have been complied with by such owner or occupier.
- (2) Notwithstanding sub-section 3(1), the Council shall not be obliged to conclude with any person a service agreement if a water main is not available at a point within the close proximity of such premises of such owner or occupier from where it is reasonably possible to provide a service connection to the premises.

Connections to other water supply systems

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

Unauthorised use of water

5. No person who has not entered into an agreement with the Council for the supply of water and otherwise complied with the requirements of these By-laws, shall take any water from or make or cause to be made any connection with any main, standpipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the Council except, when written permission has been obtained from the Council.

Damage to water supply systems

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

CHAPTER 2

CONDITIONS FOR THE SUPPLY OF WATER

Application for the supply of water

7. (1) No person shall gain access to water from the water supply system, unless he or she applied to the Council on the prescribed form for such service for a specific purpose and to which such application has been agreed.
- (2) Application may be made to the Council by or on behalf of the owner or occupier of any

premises-

- (a) for the initial connection of any premises to a water main; or
 - (b) for a reconnection of the supply of water where a previous service agreement in respect of the premises has been terminated, whether for the supply of water to the previous consumer or to any subsequent owner or occupier of the premises.
- (3) An application in terms of sub-section 7(1) shall be made in the form provided by the Council for the purpose and shall be submitted to the Council -
- (a) in the case of an application for an initial connection, at least 21 days; and
 - (b) in the case of an application for a reconnection, at least 14 days, before the date on which the supply of water to the premises in question is required.
- (4) Where application is made for the initial connection of any premises to a water main, the applicant shall, if he or she is not the registered owner of the premises, lodge, together with the application, the written permission of the registered owner that such connection may be made.
- (5) When submitting an application in terms of sub-section 7(1), the applicant shall -
- (a) sign a service agreement for the supply of water; and
 - (b) pay to the Council the fee determined by the Council for an initial connection or a reconnection for the supply of water, whichever is applicable.
- (6) If the requirements of sub-section 7(5) have been complied with, the official authorised by Council shall sign on behalf of the Council the service agreement bearing the applicant's signature.
- (7) The supply of water by the Council to a consumer shall be subject to the provisions of these regulations and the conditions contained in the relevant service agreement.
- (8) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (9) If a service agreement is not in place between consumer and Council, the Council can discontinue the service after giving 31 days notice to the consumer.

Payment of deposit

8. (1) Every consumer, other than the Government of South Africa, shall before the supply of water is given by the Council, deposit with the Council a sum of money equal to the maximum as security in payment of charges which is due and payable or may become due and payable to the Council. Such deposit shall not be regarded as being payment or part payment of any account due for the supply of water. The deposit amount shall be determined on a basis of the maximum consumption of water, which the applicant, in the treasurer's opinion is likely to use during any two consecutive months.
- (2) The Council may from time to time review the sum of money to be deposited by a consumer in terms of sub-section 8(1) and, in accordance with such review-
- (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Council in excess of the reviewed deposit.
- (3) Notwithstanding the foregoing provisions of this section the Council may, in lieu of a deposit, accept from the applicant, guarantee for an amount calculated in accordance with or received in terms of and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of the supply of water. Provided that no such guarantee shall be accepted unless the estimate monthly account in respect of the supply to the consumer concerned amounts to at least R2000-00.
- (4) If a consumer fails to deposit an additional amount in terms of sub-section 8(2) within 30 days after being required by the Council in writing to do so, the Council may

suspend the supply of water to such consumer until such additional amount and the fees determined in the water tariff for such suspension and the subsequent restoration of the supply, are paid.

- (5) Subject to sub-section 8(5), an amount deposited with the Council in terms of sub-section 8(1) or 8(2) shall not be regarded as being in payment or part payment of an account due for the supply of water.
- (6) If, upon the termination of a service agreement of supply in terms of section 9, an amount remains due to the Council in respect of water supplied to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any

balance to the consumer.

- (7) No interest shall be payable by the Council on the amount of a deposit held by it in terms of this section.
- (8) The Council shall refund any sum deposited by or on behalf of a consumer within 3 weeks after the termination of the service agreement, after deduction of any amount due to the Council.
- (9) Subject to the provisions of sub-section 8(8) any person claiming a refund or deposit or part thereof, shall either surrender the receipt which was issued for payment of the deposit, or if such receipt is not available, sign a receipt prescribed by the Council for the refund to him of such deposit or part thereof, and satisfy the Council that he is the person entitled to such refund.
- (10) If a deposit or part thereof has been refunded in accordance with sub-section 8(9), the Council shall be absolved from any further liability in respect thereof.
- (11) The service agreement, may contain a provision that any sum deposited by the consumer, shall be forfeited if is not claimed within 1(one) year after either such agreement having been terminated or for any reason that the consumer has ceased to receive a supply in terms of such agreement.

Termination of service agreement for the supply of water

9. (1) A consumer may terminate a service agreement by giving the Council not less than 7 days' notice in writing.
- (2) Subject to sub-section 9(3) and 9(4), the Council may terminate a service agreement for the supply of water if the consumer concerned -
 - (a) has not consumed any water during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the service agreement;
 - (b) has committed a breach of these regulations, and has failed to rectify such breach within 48 hours after being required in writing by the Council to do so; or
 - (c) receives the supply of water from another water supply authority by virtue of an arrangement between the Council and such authority.
- (3) In the case of the termination of a service agreement in terms of sub-section (2)(a), the Council shall give to the consumer concerned not less than 7 days' notice of its intention to terminate the service agreement.
- (4) The Council may without notice terminate a service agreement for supply of water if the consumer concerned has vacated the premises to which such service agreement relates, without having made arrangements to the satisfaction of the Council for the continuation of the service agreement for supply of water.

Removal of water connection

10. The Council may disconnect and remove a water connection provided by the Council to any premises if -
 - (a) the service agreement has been terminated in terms of section 9 and no subsequent application for the supply of water to such premises has been received in the period of 90 days following such termination; or
 - (b) the building on such premises has been demolished.

Suspension of water supply

11. (1) If a consumer before the expiry of the last day does not pay an account rendered by the Council in respect of the supply of water for such payment specified in the account, the Council may forthwith:

- (a) Suspend the supply of water to such business consumer until the consumer together with the applicable charges referred to in sub-section 11(3), pays the amount due;
 - (a) Restrict the supply of water to such domestic consumer, until the amount due is paid by the consumer, together with the applicable charges referred to in sub-section 11(3)
- (2) If the Council considers it necessary as a matter of urgency to prevent any wastage of water,

unauthorised use of water, damage to property, danger to life or pollution of water, and national disaster or if sufficient water is not available for any other reason the Council may, without prior notice and without prejudice to the Council's power under section 9(2)(b) -

- (a) suspend the supply of water to any premises;
 - (b) enter upon such premises and carry out, at the owner's expense, such emergency work, as the Council may deem necessary; and
 - (c) by written notice require the owner to carry out such further work, as the Council may deem necessary within a specified period.
- (3) If the supply of water to any premises is suspended or restricted under sub-section 11(1) or 11(2), the consumer concerned shall, before such supply is restored by the Council, pay both the charges determined for the suspension or restriction of the supply of water and for the restoration of such supply.
- (4) After the charges under sub-section 11(3) have been fully paid, Council shall be under obligation to restore the supply of water to the premises within 3 working days provided that no restoration of such water supply shall be done outside of normal working hours.

Special water restrictions

12. (1) The Council may at any time, by public notification in a manner, as the Council may consider expedient -
- (a) restrict the supply of water in the whole or any part of its area of supply to such hours as it may determine;
 - (b) prohibit or restrict the use of water -
 - (i) during specified hours of the day or on specified days;
 - (ii) for any specified purpose or for any purpose other than that specified.
 - (c) determine and impose -
 - (i) limits on the quantity of water, which may be consumed over a specified period;
 - (ii) special charges, which shall be levied in respect of water, consumed in excess of the limit imposed under sub-section 12 (c)(i);
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; or
 - (d) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of particular appliances to a water installation.
- (2) A notification in terms of sub-section 12(1) may be limited to apply only to specified areas or to specified categories of consumers, premises or activities.
- (3) The Council may -
- (a) take, or by written notice require a consumer to take at his or her own expense, such measures, including the installation of measuring devices or devices for restricting the flow of water, as may in the opinion of the Council be necessary to ensure compliance with a notice in terms of sub-section 12(1); or
 - (b) suspend or, restrict the supply of water to any premises for such period, as the Council may deem fit, in the event of a contravention of, or failure to comply with, the terms of a notice in terms of sub-section 12(1) on such premises.
- (4) Where the supply of water to any premises has been suspended or restricted under sub-section 3(b), it shall only be restored upon payment of the charges determined in the water tariff for the suspension or restriction and restoration of the supply of water.

- (5) The provisions of this regulation and any notice in terms of sub-section 12(1), unless otherwise specified in such notice, shall apply also in respect of water supplied by the Council to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions of any agreement governing such supply.

General conditions of supply

13. (1) The provision of a water connection by the Council for the supply of water shall not constitute

an undertaking by it to maintain at all times or at any point in its water supply system -

- (a) an uninterrupted supply of water;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard or quality of water.
- (2) The Council may specify the maximum height to which water will be supplied from a water main and the maximum rate of extraction from such main.
 - (3) A consumer who requires securing the maintenance of any of the conditions mentioned in sub-section 13(1) on the premises occupied by such consumer might make the necessary provision for that purpose in the installation on such premises.
 - (4) The Council may interrupt the supply of water to any premises without prior notice.
 - (5) If in the opinion of the Council the consumption of water by a consumer adversely affects the supply of water to another person, the Council may apply such restrictions as he or she may deem fit to the supply of water to the consumer in order to ensure a reasonable supply of water to such other person.

Water pressure

14. (1) Subject to the provisions of these by-laws, no undertaking or guarantee shall be presumed on the part of the Council to maintain any specified pressure of water at any time at any point in the Council's water supply system.
- (2) Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the Council's main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof at the cost of the consumer. Provided that, subject to the provisions of section 14, the Council may grant a supply to such premises from its main where such supply is available on such conditions as the Council may impose.
- (3)
 - (a) Where in the circumstances set out in sub-section 14(2) it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected directly to the Council's main.
 - (b) The suction pipe of any such pump shall be connected to a storage tank supplied with water from the Council's main.
 - (c) Such tank shall be constructed in accordance with the requirements of section 67 and shall have a minimum capacity of not less than one-eighth of the average daily requirement of the consumer, as determined by the Council, or one hour's capacity of the pumping system, whichever is the greater.
 - (d) Such tank shall be fitted with an inlet control valve of the correct size at the cost of the consumer to admit water to the tank from the Council's main at a rate equal to the average hourly requirement of the premises.
 - (e) The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump, the drive motors, or both in the event of stoppage of the supply of water from the Council's main.
 - (f) Before the installation of any such pumping systems, full details thereof shall be submitted to the Council for approval and authorisation.

Sale of water by consumers

15. Except in accordance with a special agreement entered into with the Council in terms of section 83, no person shall -
 - (a) sell or supply, or cause or permit to be sold or supplied, any water supplied by the Council to any premises in terms of these sections; or
 - (b) remove, or cause or permit to be removed, any of such water from such premises to any other premises for purposes of consumption on such other premises.

CHAPTER 3

GENERAL PROVISIONS RELATING TO METERED SUPPLIES**Connection to water main**

16. (1) Where a service agreement has been concluded, the Council shall, subject to section 4 -

- (a) In the case of an initial connection, provide and install from the water main a water connection pipe to the premises at such position on the water main as the Council may determine.
- (b) In the case of a reconnection of the supply of water, cause such reconnection to be made.
- (2) The Council may, either of its own accord or at the request of a consumer, alter the position of a connection on the water main at the expense of the consumer where the consumer requests such alteration.
- (3) Where a water connection is provided by the Council to any premises, it shall be the responsibility of the consumer concerned, and not of the Council, to provide and install and maintain, in accordance with the provisions of these regulations, and at his or her own cost, the water installation on the premises.
- (4) The charges payable for -
 - (a) The provision of a water connection, including a water connection pipe, isolating valve and water meter;
 - (b) the alteration of the position of a water connection on the water main at the request of a consumer, shall subject to sub-section 16(5), be as determined in the water tariff.
- (5) Where the Council is required to provide a water connection by means of a water connection pipe of a size or length for which no charge is determined in the water tariff, or if, because of any special circumstances, the amount so prescribed is insufficient to cover the actual costs of providing and installing such water connection pipe, water meter and isolating valve, the consumer shall be liable to pay to the Council an amount equal to the actual costs incurred by the Council in respect of material, labour and transport for providing the water connection, plus 15% of the amount of such costs to cover additional indirect costs.
- (6) Any charge payable in terms of sub-section 16(4) shall be paid to the Council in advance and, in a case contemplated in sub-section 16(5), an amount estimated by the Council to cover the sum payable in terms thereof shall be deposited by the consumer with the Council before the work is commenced by the Council.

Provision of single water connection for supply of several consumers on same premises

17. (1) Subject to sub-section 17(4), only one water connection on the water main shall be provided for the supply of water to any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council may, in its discretion, provide and install either -
- (a) a common water meter in respect of the premises as a whole or any number of such accommodation units; or
 - (b) separate water meters for the different accommodation units or any number thereof.
- (3) where the Council has installed a common water meter as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, shall -
- (a) if the Council so requires, install and maintain on each branch pipe extending from the service pipe to the different accommodation units -
 - (i) a separate water meter; and
 - (ii) an isolating valve; and

- (b) be liable to the Council for the charges levied for all water supplied to the premises through such common water meter, irrespective of the different quantities consumed by the different consumers served by such common water meter.
- (4) Notwithstanding sub-section 17(1), the Council may authorise that more than one water connection be provided on the water main for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one water connection.
- (5) Where the provision of more than one water connection is authorised by the Council under

sub-section 17(4), the charge determined in the water tariff for the provision of a water connection shall be payable in respect of each water connection so provided.

- (6) An owner of any premises shall ensure that no interconnection exists between the water installation on the premises of such owner and the water installation on any other premises or, in the case of premises on which more than one accommodation unit is located, between the water installations of two or more of such accommodation units.
- (7) Where two or more erven are consolidated, only one water connection shall be permitted for the consolidated erf, unless the consolidated erf comprises sectional title units, and the owner or occupier shall be responsible for the removal of any such water connections not authorised.

Provision of water meter

18. (1) The capacity of the water meter to be provided and installed by the Council on a water connection to any premises shall be determined by the Council.
- (2) If so required by the Council, the consumer shall indicate an acceptable position for the installation of the water meter.
- (3) Council shall install all water meters at the cost of the owner after payment as prescribed in the tariff has been paid to Council in full.
- (4) If a meter must be replaced with a different size or different type of meter due to an increase or decrease in water consumption, changes in consumption pattern or on request of the consumer, the consumer shall be liable for the replacement cost of such a meter, as prescribed in the tariff.

Ownership of water connection pipe, water meter and isolating valve

19. The water connection pipe, water meter and isolating valve provided and installed by the Council on any premises, shall at all times remain the exclusive property of the Council and be under the sole control of the Council.

Provision and position of stopcock

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

Provided that the Council may, in its discretion and at such consumer's expense provide and so install such stopcock for the exclusive use of such consumer.

Cost of installing meter

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

Safeguarding of water meters

22. (1) Every consumer or property owner, if the property is rented out and no consumer can be traced, shall take such measures as are reasonably necessary to prevent any damage to be caused to the water meter installed by the Council on the premises of the consumer.
- (2) Where, by reason of any failure on the part of a consumer or property owner, if the property is rented out and no consumer can be traced, to comply with the provisions of sub-section 22(1), the water meter installed on the premises of such consumer or property owner, if the property is rented out and no consumer can be traced, is damaged or destroyed, such consumer or property owner, if the property is rented out and no consumer can be traced, shall be liable to pay to the Council the amount prescribed in the water tariff list for the repair or substitution of such water meter.

- (3) Every consumer shall ensure free and unimpeded access to the water meter, on the premises, at all times.
- (4) Where, in the opinion of the Council, the space where the water meter is installed is no longer reasonably accessible, the consumer shall, at the request of the Council, provide a suitable space at a different approved position to which the water meter can be moved, and the consumer shall in such a case bear all costs incidental to such removal.

Tampering with or damage to water meter

23. (1) No person other than the Council or a person duly authorised thereto by the Council shall -
- (a) disconnect or attempt to disconnect from the water connection pipe any water meter installed by the Council;
 - (b) where the supply of water to any premises has been disconnected or suspended by the Council for any reason, make or attempt to make a reconnection of such supply or restore or attempt to restore the supply in any manner; or
 - (c) in any other way tamper or interfere with the water meter installed by the Council on any premises,
- and no owner or occupier of such premises shall cause or permit any other unauthorised person to disconnect or reconnect or in any other way tamper or interfere with such water meter.
- (2) Where a contravention of any of the provisions of sub-section 23(1) occurred on the premises of any consumer the Council may, without prejudice to any other power conferred by these regulations-
- (a) cause the water meter installed on such premises to be moved to a position on the sidewalk or any other place outside the premises; and
 - (b) recover from the consumer concerned the cost thereof.
- (3) Any person who -
- (a) contravenes any provision of sub-section 23(1); or
 - (b) wilfully damages the water meter, the water connection pipe or isolating valve installed by the Council on any premises, shall be guilty of an offence.

Repair or substitution of water meter

24. (1) In the event of any repairs to any water meter on any premises being found necessary, the Council shall effect such repairs.
- (2) The Council may at any time replace the water meter on any premises which is suspected of not registering accurately the supply of water to the premises concerned, or due to any other reason.
- (3) The costs incidental to any repairs in terms of sub-section 24(1), or the replacement of a water meter in terms of sub-section 24(2), shall be done by the Council, but if the repairs or replacement is necessitated by reason of any failure on the part of a consumer to comply with the provisions of sub-section 22(2) or because of an act performed in contravention of sub-section 23(1), the Council shall be entitled to recover the costs from such consumer.

Determination of quantity of water supplied

25. (1) The quantity of water registered by the water meter installed by the Council on the premises of a consumer or, where applicable, estimated or determined by the Council through volume controlled measurement or determined by Council under any provision of these By-laws, shall, for the purposes of these By-laws, be considered to be the actual quantity of water supplied by the Council to the consumer.
- (2) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through the water meter of the Council, the Council may for the purpose of rendering an account estimate, in accordance with sub-section 25(3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter, back dated not longer than 36

months, until the date it is discovered that water is so taken by the consumer.

- (3) For the purposes of sub-section 25(2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Council may decide -
- (a) the average monthly consumption of water on the premises during any three consecutive metering periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in sub-section 25(2) was discovered; or

- (b) the average monthly consumption on the premises registered over three succeeding metered periods after the date referred to in sub-section 25(3)(a).
- (4) nothing in these regulations shall be construed as imposing on the Council an obligation to cause any water meter installed by the Council on any premises to be read at the end of every month or any other fixed period, and the Council may estimate the quantity of water supplied in respect of a period within the interval between successive readings of the water meter and render an account to a consumer for the quantity of water so estimated.
- (5) When so requested by a consumer, the Council shall cause a special reading of the water meter to be made, in which event the consumer shall be liable to pay the charge determined in the water tariff for such a reading.

Payment for water supplied

26. (1) Water supplied by the Council to a consumer shall be paid for by the consumer at the rate or charges determined in the water tariff for the particular category of use for which the supply was granted.
- (2) A consumer shall be responsible for the payment for all water supplied to the premises of the consumer from the date of the relevant service agreement until the date of termination thereof in terms of these regulations.
 - (3) An account rendered by the Council for water supplied to a consumer shall be paid not later than the last date for payment specified in such account.
 - (4) If payment of an account is received after the date referred to in sub-section 26(3), interest as determined in the water tariff shall be payable by the consumer to the Council, calculated from the date that the account became due and payable.
 - (5) If a consumer uses water for a category of use other than that for which it is supplied by the Council in terms of the service agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the charges payable in accordance with such adjustment for a maximum preceding period of three years.

Record of Council binding

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

Payment for water supplied upon amendment of charges

28. If amendments to the water tariff of the Council in respect of the charges determined for the supply of water, or for the rendering of the service of water supply provided for in section 16, become operative on a date between meter readings -
- (a) it shall be deemed, for the purpose of rendering an account for water supplied by the Council, that the same quantity of water was supplied on every day during the interval between the meter reading.

Objection to account rendered by Council for water supplied

29. (1) If a consumer disputes the correctness of the quantity of water supplied as reflected on an account rendered by the Council, the consumer may in writing object to such account and request that the Council test the water meter.
- (2) An objection and request in terms of sub-section 29(1) shall -
 - (a) set out the reasons for the objection and the request;
 - (b) be delivered to the Council not later than 90 days after the receipt of the

account in question; and

- (c) be accompanied by the deposit determined in the water tariff for the testing of a water meter.
- (3) If the provisions of sub-section 29(2) have been complied with, the Council shall forthwith cause the water meter concerned to be tested in accordance with the section relating to water meters published under the Trade Metrology Act, 1973 (Act 77 of 1973).

- (4) A meter to which the By-laws referred to in sub-section 29(1) shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow -
- (a) not less than 75%;
 - (b) between 50% and 55%; and
 - (c) not more than 20%.
- (5) If, upon the testing of a water meter in accordance with sub-section 29(3) or 29(4), it is found not to be defective, the Council shall retain the amount deposited by the consumer, but if it is found to be defective, the Council shall -
- (a) refund to the consumer the amount deposited in terms of sub-section 29(2)(c);
 - (b) repair the water meter or install another meter which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer in terms of section 22(2); and
 - (c) determine the quantity of water for a maximum preceding period of three years for which the consumer shall be charged in lieu of the quantity registered by the defective water meter as calculated by the Council, by taking as basis for such determination, and as the Council may decide -
 - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the reading is disputed and adjusting such quantity in accordance with the degree of error found at the rate of normal flow in the reading of the defective water meter;
 - (ii) the average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding month of the previous year.

Complete failure of meter to register supply of water

30. (1) The Council shall repair or replace a water meter which has ceased to register the supply of water to the premises of any consumer and shall bear the costs in connection therewith, unless the provisions of sub-section 22(2) are applicable.
- (2) Where a water meter ceases to register the quantity of water supplied to a consumer, the quantity of water supplied during the period between the date of the last reading of the water meter (prior to the reading consequent on which the failure was discovered) and the date of its repair or replacement, shall be estimated by the Council in accordance with sub-section 30(3).
- (3) An estimate for the purposes of sub-section 30(2) shall be based on, as the Council may decide -
- (a) the average daily consumption of water registered by the water meter, which has ceased to register, calculated on the preceding three meter readings taken before the meter ceased to register;
 - (b) the average daily consumption of water registered by the replaced or repaired water meter, calculated on two successive meter readings taken after the repair or replacement of the defective water meter; or
 - (c) the consumption of water at the same water connection recorded for the corresponding period in the previous year.

Unmetered non-fire connection pipe

31. The Council shall install a water meter to register the supply of water to the premises where an un-metered connection is found; the consumer shall bear the following costs;

- (a) payment of deposit as prescribed in section 8;
- (b) the calculated amount of water used for a maximum period of 36 months preceding the discovery of such un-metered use, where the calculated amount is based on average daily demand for the period of one month after installation of the water meter;
- (c) the consumer shall pay charges in connection with the installation of any meter on his installation as are prescribed in the water tariffs;

- (d) payment of a fine as prescribed in the water tariff;

Special conditions relating to temporary supply of water

32. (1) Where a special agreement to that effect has been entered into in terms of section 83, the Council may supply water on a temporary basis from a fire hydrant or any other source of supply of the Council.
- (2) The supply of water in terms of sub-section 32(1) shall be measured by means of a portable water meter provided by the Council for that purpose.
- (3) A portable water meter, and all other fittings and apparatus used for the connection of such portable water meter to a hydrant or other source of supply of the Council, shall remain the property of the Council.
- (4) The consumer shall pay to the Council in advance the deposit determined in the water tariff in respect of each portable meter supplied by the Council as security for its return in proper working order and for the payment of the charges in respect of water supplied to the consumer under an agreement referred to in sub-section 32(1).
- (5) The charges for water supplied and for the use of the portable meter in terms of this section shall be paid at the rate determined in the water tariff.
- (6) An account rendered by the Council for the charges referred to in sub-section 32(1) shall be paid to the Council within ten days of the date on which it is rendered.
- (7) Where a consumer takes water from a hydrant, which is not measured by means of a water meter, the consumer shall be guilty of an offence.
- (8) A consumer to whom a portable water meter is provided in terms of sub-section 32(2) shall maintain and return such water meter and all other fittings and apparatus supplied in connection therewith, in a proper working order to the Council.
- (9) If the consumer fails to return the portable water meter, or returns it in a damaged condition, the consumer shall forfeit the deposit paid to the Council, or the Council may, where applicable, recover the cost of repairs or replacement of such water meter from the consumer, and may deduct such cost from such deposit.

CHAPTER 4

PREVENTION OF UNDUE WATER CONSUMPTION

Water audit

33. (1) Water users using more than 3 650 kl per annum, excluding those comprising multiple dwelling units, must within one month after the end of each financial year of the council undertake an annual water audit at their own cost –
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the Water Board and the Council.
- (3) The audit must contain details in respect of-
- (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (f) the water pollution monitoring methods;
 - (g) initiatives to manage the demand for water;
 - (h) estimates of consumption by various components of use; and

- (i) a comparison of the above factors with those reported in each of the previous three years, where available.

Waste of water

34. (1) No owner or occupier of any premises shall permit on such premises –

- (a) the purposeless or wasteful discharge of water from any water installation and/or water main;
 - (b) the use of maladjusted or defective water installations; or
 - (c) an overflow of water to persist.
- (2) An owner or occupier shall after written notice by the Council, and within a period specified in the notice, repair or replace any part of the water installation on the premises of the consumer which is in such a state of disrepair that, in the opinion of the Council, it is causing or is likely to cause an occurrence mentioned in sub-section 34(1).
 - (3) If an owner fails to comply with a notice referred to in sub-section 34(2), the Council may, without prior notice, take such measures as the Council may deem fit and recover the cost incidental thereto from the owner.
 - (4) A consumer shall ensure that any equipment or plant connected to the water installation on the premises of the consumer uses water in an efficient manner.
 - (5) The Council may by written notice to any consumer prohibit such consumer from using any specific equipment in a water installation if, in the opinion of the Council, its use of water is inefficient, and any such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Council.
 - (6) Any person who contravenes any of the provisions of sub-section 34(1) or 34(4) or fails to comply with a notice referred to in sub-section 34(2) or 34(5) shall be guilty of an offence.

Use of water as heat exchange medium

35. (1) No person shall allow water, used as a heat-exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a required level of total dissolved solids in a recirculating plant.
- (2) Any person who contravenes sub-section 35(1) shall be guilty of an offence.

Hot water distribution systems

36. (1) A pipe conveying hot water directly from a fixed water heater, or from the point of draw-off from a hot-water circulating system, to terminal water fitting shall not be capable of containing more than 4 litres of water.
- (2) A central hot-water system shall be of the circulating type, and the circulating pipes shall be insulated with material which -
 - (a) has a co-efficient of thermal conductivity of not more than 0,04 watt per metre degree Celsius; and
 - (b) is capable of maintaining the temperature at its external surface under normal operating conditions at not more than 6 degrees Celsius above the ambient temperature.
- (3) The electrical heating element of a fixed water heater having a capacity of more than 500 litres shall be installed in such a manner that it can be removed without loss of water from the heater.
- (4) An owner of any premises shall ensure that an overflow pipe or heat expansion pipe from any water heater forming part of the water installation on such premises is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or storm water system.
- (5) A person who contravenes sub-section 36(4) shall be guilty of an offence.

Prevention of wasteful discharge or overflow of water

37. (1) The owner of any premises shall ensure that -

- (a) any terminal water fitting forming part of the water installation on such premises, other than a float valve serving a cistern or a storage tank; and
- (b) the primary overflow from any water-closet cistern or tank forming part of the water installation on such premises,
- (c) is installed in such a position and in such a manner that any discharge of water therefrom will be readily visible and will not directly enter into a sewer or a storm water system.

- (2) A person who contravenes any of the provisions of sub-section 37(1) shall be guilty of an offence.

Requirements in relation to flushing devices

38. (1) Subject to sub-section 38(2) -
- (a) no type of flushing device shall be used to serve a water-closet pan or urinal other than a flushing device, which is actuated -
 - (i) manually by a person using such pan or urinal; or
 - (ii) automatically by means of an approved apparatus which causes the flushing device to operate after each use of such pan or urinal;
 - (b) a flushing device installed in a cistern serving a water-closet pan shall not be capable of discharging -
 - (i) in the case of a single flush unit, more than 6 litres of water during one complete flush; or
 - (ii) in the case of a dual flush unit, more than 6 litres of water during one complete flush when the full-flush level is actuated, and more than 3 litres of water during one complete flush when the low-flush lever is actuated and such a device shall only be connected to a type of water-closet pan in which the trap is cleared in one flush;
 - (c) an automatically operated flushing device shall be of such a design that no flush will take place if it malfunctions;
 - (d) every wall-mounted urinal or stall urinal shall be served by a separate flushing device and where any slab urinal installed on any premises exceeds 1,8 metre in length, a sufficient number of flushing devices shall be used so as to ensure that a single flushing device will not serve any part of such urinal exceeding 1,8 metre in length;
 - (e) no flushing device used to serve any urinal shall be capable of discharging more than 2 litres or less than 1 litre of water during one complete flush;
 - (f) no automatic cistern or tipping tank shall be used for flushing a urinal.
- (2) If, on the date on which these regulations become applicable to the Lesedi area, there is installed on any premises in such area -
- (a) any flushing device to serve any water-closet pan or urinal, not being a flushing device which conforms to the requirements of sub-section 38(1);
 - (b) any slab urinal which is not served by a flushing device or flushing devices in conformity with the requirements of sub-section 38(2)(d) of sub-section 38(1); or
 - (c) an automatic cistern or tipping tanks to serve any urinal;
- The owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that the requirements of sub-section 38(1), as may be applicable, are complied with not later than the date to be fixed by the Council in accordance with sub-section 38(3) as being the last day for compliance with the requirements of sub-section 38(1).
- (3) The date to be fixed by the Council for the purposes of sub-section 38(2) -
- (a) shall not be sooner than 2 years after the commencement of these regulations; and
 - (b) shall, in a manner, which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner of premises who fails to comply with, the requirements of sub-section (1) shall be guilty of an offence: Provided that, in relation to any owner of premises referred to in sub-section 38(2), this sub-section shall not apply until a date as

contemplated in that sub-section has been fixed by the Council in accordance with sub-section 38(3) and such date has lapsed.

Metering devices for taps and showers

39. (1) Subject to sub-section 39(2) -
- (a) each wash basin in a battery of three or more on any premises, other than residential premises, shall be fitted with a metering type of tap which limits the discharge of water in each usage to not more than 1 litre per operation;

- (b) each shower in a battery of showers of two or more on any premises, other than residential premises, shall be fitted with a metering valve which limits the discharge of water in each usage to not more than 2,5 litres per operation;
 - (c) the maximum discharge rate of water of any showerhead installed on any premises, including residential premises, shall not exceed 10 litres per minute under maximum flow conditions.
- (2) If, on the date on which these sections become applicable to the local authority area there is installed -
- (a) on any premises, other than residential premises -
 - (i) any tap serving any wash basin referred to in sub-section 39(1), not being a tap which conforms to the requirements of that paragraph; or
 - (ii) any showers referred to in sub-section 39(1) which are not fitted with metering valves in conformity with the requirements of that paragraph; or
 - (b) on any premises, including residential premises, any shower head which does not conform to the requirements of sub-section 39(1),
- the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such requirements are complied with not later than the date to be fixed by the Council in accordance with sub-section 39(3) as being the last day for compliance with the requirements of sub-section 39(1).
- (3) The date fixed by the Council for the purposes of sub-section 39(2) -
- (a) shall not be sooner than 2 years after the commencement of these regulations;
 - (b) shall, in a manner, which the Council considers most expedient, be publicly announced by the Council not less than 6 months before such date arrives.
- (4) The owner -
- (a) of any premises, other than residential premises who fails to comply with any of the requirements of sub-section 39(1)(a) and 39(b);
 - (b) of any premises, including residential premises, who fails to comply with the requirements of sub-section 39(1)(c);
 - (c) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in sub-section 39(2), this sub-regulation shall not apply until a date as contemplated in that sub-section has been fixed by the Council in accordance with sub-section 39(3) and such date has lapsed.

Terminal water fittings outside buildings

40. (1) No owner or occupier of any premises, other than residential premises, and no person to whom a temporary supply of water to any premises is provided in terms of section 32, shall install or use on such premises a terminal water fitting outside a building unless such fitting -
- (a) incorporates a self-closing device;
 - (b) has a removable handle for operating purposes;
 - (c) is a demand-type of tap which limits the quantity of water discharged in each operation; or
 - (d) is provided with a lock to prevent unauthorised use.
- (2) If, on the date on which these regulations become applicable to the local authority area, there is installed on any premises referred to in sub-section 40(1) in such area any terminal water fitting outside a building which does not conform to the requirements of that sub-section, the owner of such premises shall cause such steps to be taken or such adjustments to be made as may be necessary to ensure that such

requirements are complied with not later than the date to be fixed by the Council for the purposes of this sub-section 40(3) as being the last day for compliance with the requirements of sub-section 40(1).

- (3) A date fixed by the Council for the purposes of sub-section 40(2) -
 - (a) shall not be sooner than 2 years after the commencement of these By-laws; and
 - (b) shall, in a manner, which the Council considers most expedient, be publicly announced

by the Council not less than 6 months before such date arrives.

- (4) The owner of any premises referred to in sub-section 40(1), who fails to comply with the requirements of sub-section 40(1) shall be guilty of an offence: Provided that, in relation to an owner of premises referred to in sub-section 40(2), this sub-section shall not apply until a date as contemplated in sub-section has been fixed by the Council in accordance with sub-section 40(3) and such date has lapsed.

Installation of separate private meters on premises with several accommodation units may be required

41. When the water consumption on any premises provided with a single water meter serving two or more accommodation units on such premises is in the opinion of the Council substantially higher than in the case of other premises of a similar nature, the Council may, if such a requirement has not been made under section 17(3), require from the owner of such premises to install, at the owner's expense, separate water meters to serve such accommodation units individually for the purpose of registering the quantity of water supplied to each such unit.

Measures for conservation of water in relation to gardens and car washing facilities

42. (1) The following requirements shall be applicable to every consumer within the local authority area:
- (a) No water shall be used for the irrigation or watering of any garden during such hours of day as the Council may determine and announce publicly from time to time.
- (2) Any commercial vehicle washing facility shall be constructed and operated in such a manner that 70% of the potable water used by such facility is recycled for re-use in the facility.
- (3) Any person who -
- (a) Contravenes sub-section (1)(a) and (2);
- (b) fails to comply with the requirements of paragraph (b) thereof, shall be guilty of an offence.

CHAPTER 5
PREVENTION OF WATER POLLUTION

Pollution of surface water

43. (1) No person shall -
- (a) bathe in any stream, reservoir, aqueduct, or other place which contains water belonging wholly or partly to the Council or under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants in the Council's area of supply;
 - (b) wash, throws, or cause or permit to enter any animal therein;
 - (c) throw any rubbish, night soil, excreta, industrial waste, chemical substance, oil, dirt, filth, or other deleterious matter into such stream, reservoir, aqueduct, or other place within the catchments of a surface dam;
 - (d) wash or cleanse in any such water any clothes, leather or any other material or object of whatever nature;
 - (e) cause or permit the water from any sink, sewer, drain, engine, boiler or any other polluted water or liquid or oil for the control of which he or she is responsible, to run or be brought into any such stream, reservoir aqueduct, or other place; or
 - (f) do any other act whereby the supply of water to the inhabitants of the Council's area of supply may be polluted.
- (2) A person, who contravenes any of the provisions of sub-section 43(1), shall be guilty of an offence.

Mixing of water from other source with water supplied by Council

44. (1) No person shall, on any premises to which water is supplied by the Council, connect or cause or permit to be connected to any service pipe or any other part of the water installation on such premises, any cistern, tank, or other receptacle used or intended for use for the reception or storage of water obtained from a source other than from a water main.
- (2) No person shall cause or permit rainwater to flow into any tank or cistern supplied with water by the Council.
- (3) A person who contravenes sub-section 44(1) or 44(2) shall be guilty of an offence.

Obligation of owner to prevent pollution of water

45. (1) An owner of premises shall provide and maintain approved measures to prevent the entry of any substance which may be a danger to health or adversely affect the potability of water into -
- (a) the water supply system of the Council, or
 - (b) any part of the water installation on the premises.
- (2) The owner of any premises -
- (a) on which a fire or combined installation is installed;
 - (b) on which a general installation serves -
 - (i) any activity in relation to the medical treatment of people or animals, medical, pharmaceutical or chemical research or manufacturing, agriculture, including dairies and nurseries, photographic processing, laundering or dry-cleaning, metal plating, or the treatment of hides and skins;

- (ii) any mortuary, abattoir, sewage purification works, refuse pulverising works, harbour, oil processing and storage facilities or any winery, distillery, brewery, or yeast or cold drink factory; or
 - (c) to whom the Council has given written notice to do so,
- shall provide and maintain approved measures in the water installation on such premises to prevent the back flow of water from such water installation to the water main.
- (3) The measures required in terms of sub-section 45(2) shall include -

- (a) the discharge of water from the service pipe into a storage tank through an air gap in accordance with paragraph 7.5.3.2(a)(i) of SABS 0252-1:1994;
- (b) the passing of such water through -
 - (i) a reduced-pressure back flow preventer; or
 - (ii) a double-check back flow preventer.
- (4) An owner shall ensure that no connection is made to the service pipe on the premises of such owner between -
 - (a) the point of discharge from the pipe into the storage tank referred to in sub-section 45(3)(a);
 - (b) the back flow preventer installed in terms of sub-section 45(3)(b).
- (5) No consumer shall connect anything to a water installation or use it in a manner which may affect the potability of the water in it without first providing adequate measures or devices to prevent a deterioration in water quality in the water installation.

Installation and maintenance of back flow preventers

46. (1) Any back flow preventer installed on a water installation shall comply with the requirements as set out in paragraphs 5.4.1, 6.3 and 8.2.2 of SABS 0252 - 1994: Provided that -
- (a) a back flow preventer shall be installed in a readily accessible position where it may be inspected and from which it may be removed for the purpose of servicing, repair or replacement without alteration to the water installation or the structure within which it is situated; and
 - (b) a back flow preventer which provides for the discharge of water to the atmosphere shall be installed above-ground in such a position that it cannot be submerged in water or any other liquid.
- (2) The owner of any premises on which a reduced-pressure or a double-check back flow preventer is installed shall at his or her own expense ensure that the back flow preventer -
- (a) is inspected and serviced by a registered plumbing contractor not less than once in every twelve months to ensure that it is in proper working order; and
 - (b) is replaced or completely overhauled once in every 5 years.
- (3) The owner shall maintain a record of the inspections and services referred to in sub-section 46(2) -
- (a) stating the name and registration number of the registered plumbing contractor by whom it was carried out;
 - (b) the date on which it was carried out; and
 - (c) detail of repairs and replacements that were effected,
- and shall keep such record available for inspection by the Council at any time during office hours.

Protection of water installation

47. (1) An owner shall, apart from the back flow preventers referred to in sections 45 and 46, provide and maintain the following additional measures to prevent the back siphonage into the water installation of any substance which is likely to be a danger to health or affect the potability of water :
- (a) The lowest point of discharge of the outlet of a terminal water fitting shall not be less than 25 millimetres above the flood level of a fixed receptacle into

which such fitting discharges.

- (b) No inter-connection shall be made between a general installation and a fire installation if they are supplied through separate water pipes.
- (2) If the Council is of the opinion that an activity carried out or intended to be carried out on any premises could give rise to a substance which would have a toxic effect if it gained entry into a water installation, the Council may by written notice require from the owner to install a storage tank from which the water needed for such activity shall be drawn.

- (3) The entry of water into a tank referred to in sub-section 47(2) shall be solely from a pipe which discharges water at a height of not less than 75 millimetres or twice the diameter of the pipe, whichever is the greater, above the flood level of the tank.

Laying of pipes in places prone to pollution

48. (1) Subject to sub-section 48(2), no pipe which is supplied or intended to be supplied with water by the Council, shall be laid or installed through or in any sewer or drain or waste dump or any pit or place used for the dumping or accumulation of manure or any other substance which may, in the event of the pipe becoming unsound, pollute the water conveyed through the pipe.
- (2) Where it is impracticable to lay or install a water pipe otherwise than in a manner referred to in sub-section 48(1), the Council may, upon application, approve that it be so laid or installed, but in such an event, the part of the pipe so laid or installed shall be carried through a cast iron or other approved tube or box of sufficient length and strength and of such construction as will, in the opinion of the Council, effectively protect the pipe and render any leakage of the pipe readily detectable.
- (3) Where any water pipe has been laid or installed contrary to the provisions of sub-section 48(1) or 48(2), the Council may by written notice to the owner or occupier of the premises concerned direct that the necessary steps be taken to eliminate the contravention within a period specified in the notice.
- (4) If the owner or occupier concerned fails to comply with such notice -
- (a) the Council may suspend the supply of water to the premises concerned until the necessary steps have been taken; and
- (b) such owner or occupier shall be guilty of an offence.
- (5) Where the supply of water is suspended in terms of sub-section 48(4), the owner or occupier shall be liable to pay the prescribed charges for such suspension and the subsequent restoration of the supply.

Use of tanks for water intended for human consumption

49. (1) Except for a tap discharging water from a hot water system or serving any shower or bath, no tap used on any premises for the purpose of supply for human consumption shall be connected to any tank without the permission of the Council, who in granting such permission may require that an apparatus be installed to maintain a free chlorine level of at least 0,2 milligram per litre at the furthest terminal water fitting.
- (2) Where -
- (a) any damage or danger to persons might arise from an interruption of the supply of water; or
- (b) the pressure in the service would be otherwise inadequate,
- a tank or tanks shall be provided which, with respect to size and level of installation, conform to the requirements prescribed in paragraph 7.4 of SABS 0252-1:1994.

Storage of water supplied by Council in underground tanks

50. Except with the permission of the Council and subject to such conditions as it may determine, no tank or other container buried or installed in an excavation in the ground on a consumer's premises shall be used for the storage or reception of water supplied by the Council if such water is intended for human consumption.

Measures to prevent development of *bacterium Legionella pneumophila*

51. (1) Every new water installation shall, for the purpose of preventing the development of *bacterium Legionella pneumophila*, comply with the requirements set out in paragraph 7.1.1.2 of SABS 0252-1:1994.
- (2) Every owner of any premises on which any installation for the storage of potable water or an air-conditioning cooling water system is being used, whether installed before or after the commencement of these regulations, shall at intervals not exceeding 90 days, reckoned from the date of commencement of these regulations

or the date of installation, whichever is applicable, cause every such water installation and every such system to be inspected by a professional engineer to evaluate such installation for conditions conducive to the development of *bacterium Legionaella pneumophila*.

- (3) A professional engineer who carries out an inspection referred to in sub-section 51(2) shall provide the owner concerned with a written report on the result of his or her inspection and

state whether or not the requirements referred to in sub-section 51(1) are being complied with and, where applicable, particulars of any non-compliance with those requirements.

- (4) If a report in terms of section 51(3) shows any non-compliance with the requirements referred in that sub-section, the owner of the premises concerned shall, within 14 days after receipt of the report, take such steps as may be necessary to bring the installation in conformity with those requirements.
- (5) Where the construction of any new water installation is completed on any premises where potable water is or will be stored, or upon the installation of any air-conditioning cooling water system on any premises, the owner of the premises shall submit to the Council a certificate issued by a professional engineer stating that such installation complies with the requirements referred to in sub-section 51(1).
- (6) Any person who -
 - (a) fails to comply with the provisions of sub-section (2) or (4); or
 - (b) puts into use any new water installation or an air-conditioning cooling water system installed on any premises without having complied with the provisions of sub-section (5), shall be guilty of an offence.

Testing of water in a water installation

52. (1) The Council may at any time take samples of water from the water installation on any premises and cause the samples to be tested for compliance with the standards prescribed in SABS 241 (Water Domestic Supplies).
- (2) If, after a series of follow up tests of samples of water taken from a the water installation in terms of sub-section 52(1), it is found that such water does not comply with the standards referred to in that sub-section, and the Council is of the opinion that the quality of such water is attributable to the condition of the water installation, the owner of the premises concerned shall, when so instructed by the Council -
 - (a) cause the water installation to be tested and disinfected in accordance with the provisions of section 60 and 61; or
 - (b) investigate the cause of the problem and rectify it within a period specified by the Council.
- (3) The owner of such premises shall clean any tank on any premises in which potable water is stored regularly at intervals not exceeding two years.

CHAPTER 6

PROVISIONS RELATING TO CONSUMER'S WATER INSTALLATION

Standard specifications and codes of practice applicable

53. For the purpose of these regulations the relevant SABS standards and codes shall be applicable, but the Council may also approve the use of any other specification and codes where in its opinion it is appropriate to do so, and it shall in considering any application for such approval be guided by accepted practice and international specifications and codes of practice.

Provision of water installation

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

Information and drawings

55. (1) In respect of every new water installation, or changes to an existing water installation necessitated by any alteration or extension of an existing building, the owner of such premises shall submit for approval to the Council, in the format determined by the Council, the information and drawings as provided for in Chapter 4 of SABS 0252-1:1994: Provided that the information relating to a water installation to be installed on any premises may be indicated on the same drawing as the drainage installation.

- (2) A complete set of approved drawings of the water installation shall be kept available at the premises.
- (3) Where any installation work has been done in contravention of sub-section 55(1), the Council may by written notice require from the owner of the premises to comply within a specified period with the provisions of that sub-section, in which event -
 - (a) Work in progress shall cease until the approval required by that sub-section have been granted;

- (b) work that does not comply with these sections shall be removed from the premises.

General requirements for design and construction of water installation

56. (1) Any water installation or service pipe shall be designed and constructed in such a way that-
- (a) velocities in pipes do not exceed 2 metre per second;
 - (b) only pipes and fittings be specified and installed that will be able to withstand -
 - (i) the corrosion which may be caused by the water conveyed in the installation; and
 - (ii) any corrosive conditions, which may be, related to the soil conditions on the premises;
 - (c) the installation be functional to the users of the building taking due cognisance to the population and class occupancy of such building;
 - (d) provide adequate fire protection where it is required in terms of any other law;
 - (e) all components and materials used on the installation are watertight;
 - (f) the installation will not cause any danger to the health of the users of the building;
 - (g) that all pipes and fittings are able to withstand loads and forces which it may normally be subjected to and where necessary is properly protected against damage;
 - (h) should a water leak or a water pipe burst occur, it would not jeopardise the structural safety of the building.
- (2) An isolating valve shall be installed in the service pipe of a water installation not more than 1,5 metres inside the boundary of the premises concerned.
- (3) The requirements of sub-section 56(1) shall be accepted to be satisfied where the water installation complies with the requirements of -
- (a) SABS 0252-1:1994 (Water supply installations for buildings);
 - (b) paragraph PP 13(2) of SABS 0400-1990 P relating to the number of the sanitary fittings with adequate water supply required for the population of the building;
 - (c) SABS 0400-1990 Part W in relation to any fire installation.
- (4) No person shall connect to a water installation a water fitting or apparatus, which causes or is likely to cause damage to the water supply system or another water installation as a result of pressure surges.

Design of a proposed water installation

57. (1) The Council may require that a professional engineer designs a proposed water installation or other approved competent person in cases where the Council is of the opinion that a detail design is necessary due to the complexity of the installation.
- (2) Any designer of a water installation shall take the necessary care in the detail design that the water installation shall fully comply with the requirements as set out in these regulations and in Chapters 2,3,4,5,6 and 7 of SABS 0252-1:1994.

Materials, fittings and components

58. (1) Only SABS approved materials, fittings and components as listed in Chapter 2 and discussed in Chapter 5 of SABS 0252-1:1994 or similar pipes, joints and fittings approved by the Council shall be used on any water installation.
- (2) Notwithstanding anything to the contrary in these regulations or any relevant SABS

standards and codes, the Council may determine that only pipes, joints and fittings of specified materials resistant to or adequately protected against corrosion shall be used should the water be corrosive or aggressive soil conditions occur in the Lesedi area.

- (3) Solar water-heating systems shall be installed in accordance with SABS 0106.

Control over work on water installation

59. (1) Subject to sub-section 59(2), the installation of a water installation shall be carried out -

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- (a) according to drawings approved in terms of section 55 and detail specification for the installation; and
 - (b) in conformity with the requirements of Chapter 8 of SABS 0252-1:1994.
- (2) Every person carrying out or exercising control over the installation of any water installation shall ensure that -
- (a) where copper pipes are used in the installation -
 - (i) such pipes shall be properly inspected and cleaned before installation so as to prevent any carbonaceous film being present in such pipes;
 - (ii) only solder of copper-tin or silver-tin is used in capillary soldered joints on such pipes;
 - (b) no lead-chalked joints are used on any cast iron pipe;
 - (c) no solvent cement welded joints is used on any unplasticised polyvinyl chloride (uPVC) pipes;
 - (d) no underground pipe is laid more than 1 metre below the finished ground level on the premises or shallower than 400mm;
 - (e) no pipe is installed within the cavity of a wall, except where it crosses the wall.

Cleaning, inspection, testing and disinfection of water installation

60. (1) Subject to sub-regulation 60(2), every water installation shall be properly cleaned, inspected, tested and disinfected in accordance with Chapter 9 of SABS 0252-1:1994.
- (2) Every water installation shall on completion -
- (a) be properly cleaned to remove any foreign matter;
 - (b) be inspected by the representative of the Council;
 - (c) be tested under pressure in accordance with paragraph 9.2 of SABS 0252-1:1994; and
 - (d) be disinfected in accordance with paragraph 9.3 of SABS 0252-1:1994.
- (3) At least 2 working days' notice shall be given to the Council for the purpose of any inspection to be carried out in terms of sub-section 60(2)(b).

Council may require testing or disinfection of water installation

61. (1) The Council may by written notice require any owner to employ a registered plumbing contractor to test and disinfect the water installation on the premises of such owner.
- (2) The owner of the premises concerned shall bear the costs incidental to the testing and disinfection of any water installation required in terms of sub-section 61(1).

Covering of water installation

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

Leakage of taps or pipes

63. (1) No person shall cause or permit any pipe, tap or fitting to leak, and no tap or fitting shall be installed in such position that any leakage cannot readily be detected.
- (2) No consumer shall be entitled to any rebate in respect of the wastage of water due

to faulty fittings or undetected leakage in any part of the water installation.

- (3) Any work or repair, digging or replacement, or any other operation which the Council undertakes to enable a consumer to carry out repairs or other work to his own water installation, shall be undertaken by the Council at the consumer's expense.

Pipes and stand pipes to be securely fixed

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

Taps for domestic use

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

Connection of sundry apparatus

66. (1) No person shall cause or permit any water installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.
- (2) Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that the Council may approve of any such fitment, except a water closet being connected direct to the water installation without the interposition of a cistern or break-pressure tank.
- (3) The inlet to every such cistern referred to in sub-section 66(2) shall discharge above the overflow level or maximum water level, as the case may be, of the cistern: Provided that in the case of a cistern supplying a water closet or urinal, a silence pipe discharging below the normal water level of the cistern may be fitted: Provided further that an approved anti-syphonic device is incorporated in the inlet valve.
- (4) No pump of whatever nature shall be connected to a water installation for the purpose of pumping water directly from the Council's mains, unless prior written authority is obtained from the engineer.
- (5) Where water is supplied to a bath, or wash-basin, or tank, swimming pool, dam, animal drinking trough, or any other water containing structure by a pipe in direct communication with the water installation, such pipe shall discharge above the maximum water level of such water containing structure.

Cistern or tank

67. (1) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless –
- (a) the cistern or tank is constructed of a material which in the opinion of the engineer is sufficiently strong for the purpose and capable of resisting corrosion;
 - (b) the cistern or tank is watertight, vermin proof, and properly covered and ventilated;
 - (c) the cistern or tank provided with access covers which shall be bolted down locked in position at all times, except when opened for inspection;
 - (d) the inlet pipe to the cistern or tank discharges above the overflow level of the cistern or tank, and is provided with a stopcock located near the cistern or tank, and a float valve or similar device of a type approved by the engineer;
 - (e) the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;

- (f) a stopcock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
- (g) a brass sampling cock is fitted to the cistern or tank to enable the engineer to draw samples of the water stored therein when necessary for testing purposes;
- (h) the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of

such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected.

- (2) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the Council take immediate steps to drain the cistern or tank, cleanse it and disinfect it to the standards set by the Council before refilling and replacing in service.
- (3) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer, shall adequately repair or entirely replace the tank or cistern within 60 days of receipt of written notice from the Council to do so.
- (4) When a continuous, supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

Overflow pipe to cistern or tank

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

Capacity of cistern

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

Distance between water installation and electric wires

70. (1) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 mm of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any by-laws or regulations for the supply and use of electrical energy and for the wiring of premises.
- (2) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 m of an electrical socket outlet, appliance or distribution board without the prior written approval of the Council.

CHAPTER 7

SPECIAL PROVISIONS RELATING TO FIRE EXTINGUISHING EQUIPMENT

Provision of water connection for fire-fighting purposes

71. (1) Notwithstanding anything to the contrary contained in these regulations, the Council may, where a special agreement therefor has been concluded with the owner of any premises under section 83, provide a water connection on a water main for the purposes of any fire extinguishing installation on such premises, subject to the provisions of this Chapter.
- (2) The costs incidental to the provision by the Council of water connection for a fire installation, including a water meter, isolating valve and other ancillary fittings, shall be borne by the owner concerned and shall be as determined in the water tariff.
 - (3) The pipes necessary for providing the water connection shall be installed by the Council up to the boundary of the premises concerned, and which shall not be used for any purpose other than to serve the fire installation on the premises.
 - (4) No branch connection of any kind shall be made from a water connection pipe, except for the purpose of serving automatic sprinklers, drenchers, hydrants or a pressure tank.
 - (5) A water meter capable of handling the design flow for fire extinguishing purposes and normal water use shall be provided by the Council on the water connection pipe provided for the premises.

- (6) Every water connection pipe for a fire installation shall be fitted with an approved isolating valve provided by the Council, which shall -
- (a) be of the same nominal diameter as the water connection pipe;
 - (b) be placed in such position as may be determined by the Council; and
 - (c) be installed in front of the water meter.

Design of fire installation

72. (1) In any fire installation adequate pumping connections and means to measure water pressure shall be provided, with enough isolating valves to control the flow of water to points within the installation, at the required quantity and pressure to ensure enough flow of water to any hose reel, hydrant or sprinkler system connected to the installation.
- (2) The requirements of sub-section 72(1) shall be considered as being satisfied where a fire installation is designed by a professional engineer or other approved competent person according to a detailed design or where the fire installation complies with paragraph 3 of Part W of SABS 0400, and approved by Council.
- (3) The discharge from any pressure tank shall be controlled by a suitable ball valve.

General requirements for fire installations

73. (1) Where an existing sprinkler installation has been connected to the water main, no additional sprinkler heads shall thereafter be connected to such sprinkler installation, without the written consent of the Council.
- (2) No extension or connection from any existing fire installation to premises other than that for which it was approved, shall be made, and in the event of any such connection or extensions being made the Council may take any steps necessary to disconnect such a connection or extension and recover the costs incidental thereto from the owner or any other person responsible for such connection or extension.
- (3) No supply of water shall be made or given until the fire installation has been inspected and the Council has certified in writing that such installation is in accordance with these regulations and the work in connection therewith has been carried out to his or her satisfaction.
- (4) Any existing un-metered water connection provided by the Council to the water main for the purposes of a fire installation shall be at the pleasure of the Council, which shall be entitled to discontinue the service providing such connection at any time after at least 30 days notice of its intention to do so had been given to the owner concerned and if such owner has failed to show good cause for the retention of such connection.
- (5) All fittings provided by an owner of any premises for fire-fighting purpose, including hose reels, hydrants and sprinkler systems shall comply with the Council's regulations on fire protection.
- (6) Any person who contravenes the provisions of sub-sections 73(1), 73(3) and 73(5) or who makes or causes or permits to be made any connection or extension in contravention of the provisions of sub-section 73(2), shall be guilty of an offence.

Payment for water supply to a fire installation

74. The charges for the supply of water to a fire installation shall be as determined in the water tariff.

Inspection and approval of fire-extinguishing system

75. No water shall be supplied to any fire-extinguishing system until it has been inspected and the Council or his duly authorised representative has certified in writing that such water installation complies with the requirements of these By-laws and the work has been carried out to his satisfaction.

Provision of pressure gauge

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

Installation of reflux valve

77. (1) When a fire-extinguishing installation includes a fire-pump connection, a reflux valve of a type approved by the Council shall be fitted on the premises in an accessible position

permitting of its ready inspection, repair and removal.

- (2) The said reflux valve shall be used to shut off the domestic supply from the Council's main whenever or for so long as the fire-pump connection is in use.
- (3) The said reflux valve shall be serviced at least once annually by a registered bona fide firm approved by the engineer as being capable of undertaking such work.
- (4) When called upon to do so by the Council, the consumer shall produce a certificate from the said firm that the service has been done.

Sprinkler extinguishing installation

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

Header tank or double supply from mains

79. (1) Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the Council's main.
- (2) The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to the mainpipe leading from the tank should the pressure in the main not be available for any reason.
- (3) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable, and shall not be led away by any down pipe to any drain.
- (4) Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.
- (5) The reflux valves installed in terms of subsection 79(2) and 79(4) shall be serviced annually and should also comply with sub-sections 77(3) and 77(4).

Annual charges for sprinkler and drencher installation

80. (1) The annual charges prescribed in the water tariff for the inspection and maintenance of the communication pipes leading from the Council's main to the boundary of a stand, stand or other area of land shall be payable in advance and shall become due in respect of every such pipe as soon as the Council has notified the owner of the land that the pipe has been laid and is ready for connection to a fire-extinguishing installation on the stand.
- (2) The charges in terms of sub-section 80(1) shall cover also the emptying and refilling of any tanks which may be necessary.
- (3) The charges to be paid in terms of sub-section 80(1) shall be calculated according to the volume of the tank, disregarding the level to which the tank is filled.

Annual charges for private hydrant installations

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

Sealing of private fire hydrants

82. (1) The Council shall seal all private hydrants and no person shall break such seal except in case of fire.
- (2) The cost of resealing such hydrants shall be born by the consumer except when such seals are broken by the Council's officers for testing purposes.
- (3) Any water consumed after the breaking of the seal, other than in the course of testing by the Council or in case of fire, shall be paid for by the consumer at the rates prescribed in the water tariff. The Council shall determine the quantity thus consumed.
- (4) Until a fire connection has been metered, the fire connection shall not be used for any other purpose other than fire fighting purpose.
- (5) Any person who fails to comply with sub-section 82(3) and 82(4) will be guilty of an offence.

CHAPTER 8
GENERAL PROVISIONS

Special agreements

83. (1) Where, by reason of the purpose for which the supply of water is required by a consumer, the nature or situation of the premises concerned, the quantity to be supplied, the availability of supply or the method of supply, the Council considers it desirable that such supply should be provided subject to special conditions or a special charge, the Council may, notwithstanding anything to the contrary contained in these regulations, enter into a special agreement with such consumer for such supply on the terms and conditions as may mutually be agreed upon.

- (2) Without prejudice to the generality of the provisions of sub-section 83(1), but subject to the provisions of the Act, a special agreement may provide for any one or more of the following matters:
- (a) Where a supply in bulk is given to any consumer outside the Lesedi area, the Council may permit such consumer to resell the water to other consumers outside the Lesedi area.
 - (b) If the Council permits a consumer to resell water -
 - (i) it may impose conditions fixing the maximum price at which the water may be resold by such consumer; and
 - (ii) require that plans of any proposed reticulation system be submitted to the Council for approval as a condition precedent to authority to resell being given.
 - (c) Where any consumer is given a supply by means of more than one connection to the water main, the Council may stipulate the manner in which and the times during which the consumer may use the supply from any one or more of such connections.
 - (d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.
 - (e) The Council may stipulate the price at which the supply is to be given to any consumer.
- (3) Where, in terms of a special agreement a consumer is authorised to resell water supplied by the Council, the Council may at any time demand from the consumer to submit to the Council for inspection the records of such consumer relating to the resale of water to other persons and the income derived by the consumer from such resale, and may, where sub-meters have been installed by the consumer, demand that the consumer have any of such sub-meters tested to the satisfaction of the Council at the consumer's cost, and that any meter which is found to be defective be repaired or replaced.
- (4) Except as is otherwise provided in a special agreement the supply of water under such agreement shall be subject to the provisions of these regulations.

Supply of non-potable water by the Council

84. (1) The Council may on application made by any consumer and under a special agreement enter into in terms of regulation 83, grant the supply of non-potable water to such consumer.
- (2) Any supply of non-potable water in terms of sub-section 84(1) shall not be used for domestic purposes which, in the opinion of the Council, may give rise to a health hazard and has been specified by the Council.
- (3) No warranty, expressed or implied, applies to the purity of non-potable water supplied by the Council or its suitability for the purpose for which the supply of such water was granted.
- (4) The supply of non-potable water by the Council shall, both as to condition and use, be entirely at the risk of the consumer, who shall be responsible to exercise control over the use of such water on the premises by any other persons.
- (5) Where non-potable water supplied by the Council is used for irrigation purposes, the consumer shall -

- (a) ensure that it is applied uniformly over the irrigated areas and in such a way as to prevent the forming of pools; and
 - (b) take such steps as may be necessary to prevent any run-off of surplus water from irrigated areas.
- (6) On premises on which non-potable water is used, the consumer shall ensure that-
- (a) every terminal water fitting and every appliance which supplies or uses such water is clearly marked with a weatherproof notice indicating that the water therefrom is unsuitable for drinking or other domestic purposes; and
 - (b) every tap used for the discharge of such water can only be operated by means of a

detachable key or handle and which shall be removed from such tap after every use thereof.

- (7) In an area where treated sewage effluent is used the consumer shall erect weatherproof notices in permanent positions warning that such effluent is not suitable for domestic purposes.
- (8) The consumer shall adhere at all times to any conditions or guidelines with respect to health risks in the use of non-potable water for irrigation purposes as may be laid down by the Ministry of Health and Social Services from time to time.
- (9) If the consumer fails to take any of the steps referred to in sub-sections 84(5)(b), 84(6), and 84(7), the Council may by written notice require that such steps be taken by the consumer within a specified period and if the consumer fails to comply with such notice, the Council may -
 - (a) cause such steps to be taken at the consumer's expense; or
 - (b) suspend the supply of non-potable water to the premises concerned until the consumer has complied with such notice.
- (10) Every owner of premises supplied with non-potable water by the Council -
 - (a) shall take special care that every pipe and fitting linked to the non-potable water system on the premises is properly identified to prevent any cross connection with the potable water system on such premises; and
 - (b) shall not, without the approval of the Council, extend or alter such non-potable water system or cause it to be extended or altered.
- (11) A person who contravenes any provision of sub-section 84(10) shall be guilty of an offence and the Council shall permanently terminate the supply of non-potable water to such premises.

Private boreholes

85. (1) If, on the date of commencement of these regulations, any bore hole exists on any premises from which water is abstracted for any purpose, the owner of such premises shall not later than 90 days after the date of such commencement -
- (a) notify the Council in writing of the existence of such borehole; and
 - (b) provide the Council with full particulars of the discharge capacity of such borehole.
- (2) Without deviating from the provisions of any other law relating to the drilling of boreholes, no new borehole shall be drilled within the local authority area without the prior written approval of the Council, which may be granted subject to such conditions as the Council may determine, but subject thereto, in every case that -
- (a) the proposed position of the borehole is clearly indicated on a site plan;
 - (b) any unsuccessful borehole is properly sealed;
 - (c) The geological information and the depth of the borehole are recorded;
 - (d) the discharge capacity of the borehole is determined;
 - (e) the rest water level is recorded after the drilling of the borehole.
- (3) Except with the prior written approval of the Council, no existing borehole situated within the area of jurisdiction of the Council shall be replaced or drilled deeper.
- (4) If the Council has reason to doubt the reliability of any particulars given in terms of sub-section 85(1)(b) or any information recorded in terms of sub-section 85(2), it may by written notice require that the owner of the premises in question carries out, at the consumer's expense and within the period specified in the notice, such test as may be so specified for determining the discharge capacity of the borehole.
- (5) The Council may, at the expense of the owner of the premises concerned, install a separate meter to record the consumption of water from a borehole on the premises.
- (6) If, in the area of jurisdiction of the Council, the Council may determine a quota for the

maximum abstraction of water from a borehole on private premises.

- (7) Whenever the Council considers it necessary for the purpose of determining the ground water level within the Lesedi area, the Council may cause the water rest levels of any borehole on any property in such area, to be measured, and any person designated by the Council to perform such task may enter the premises for that purpose.
- (8) Any person, who contravenes or fails to comply with any of the provisions of sub-sections 85(1), 85(2) or 85(3), shall be guilty of an offence.

Laying of pipes in streets or public places

86. (1) Except with the prior written approval of the Council and subject to such conditions as may be imposed by it, no person shall, lay or construct any pipe or associated component on, in or under a street or public place or any other land vesting in or under the control of the Council, for the purpose of conveying water derived from whatever source.

Obstruction of access to water connection on premises

87. (1) No person shall prevent or restrict the Council or any duly authorised official of the Council from gaining access to any part of the water connection on any premises.
- (2) If it is not reasonably possible for the Council or an official referred to in sub-section 87(1) to gain access to the relevant part of the water connection on the premises by reason of any object, including any construction of bricks, stone, iron, wood or any other material obstructing such access, the Council may by written notice to the consumer concerned, and without prejudice to the Council's powers under section 88, require that the consumer removes such object and restores such access within a period specified in the notice.
- (3) If, in a case contemplated in sub-section 87(2), the Council is of the opinion that the situation is a matter of urgency or if reasonable grounds exist for suspecting that a contravention of any provision of these regulations has been or is being committed, the Council may cause the object concerned to be removed and any other steps to be taken to gain access, and the Council may recover from the consumer the cost incurred for that purpose.
- (4) The Council shall not be liable for any damage resulting from any action taken under sub-section 87(3), but shall restore such premises to the former condition should no breach of these regulations be discovered.
- (5) A consumer who refuses or fails to comply with a notice referred to in sub-section 87(2) shall be guilty of an offence.

Power of entry and inspection

88. (1) An officer may for any purpose connected with the implementation or enforcement of these regulations, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation.
- (2) If the Council considers it necessary that work be performed to enable an officer to perform a function referred to in sub-section 88(1) properly and effectively, it may
- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
- (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) If the work referred to in sub-section 88(2) is carried out for the sole purpose of establishing whether a contravention of these regulations has been committed and no such contravention is established, the Council shall bear the expense connected therewith together with that of restoring the premises to their former condition.
- (4) If an officer requires the presence of –
- (a) an owner at an inspection of his or her water installation; or
- (b) a registered plumber doing installation work at an inspection of such work; he or she give such person written notice of not less than five working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

Notices

89. (1) The Council may, by written notice, order a person who by act or omission commits a breach of these regulations or of any condition imposed thereunder to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice served on him or her by the Council in terms of these regulations within the specified period, it may take such action or do such work as in its opinion is necessary to ensure compliance, and recover the cost of such action or work from the person.

Penalties

90. Any person convicted of an offence under these regulations shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 6 months.

Tariffs

91. Water tariff as determined from time to time, by the Council in terms of the relevant legislation.

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LOCAL AUTHORITY NOTICE 1606 OF 2015

LESEDI LOCAL MUNICIPALITY

PUBLIC HEALTH BY-LAWS

By-law

To set minimum environmental health standards to prevent disease, prolong life, protect and promote the health and well-being of people in the municipal area and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Lesedi Local Municipality, as follows:-

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

“adequate” when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health practitioner, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and “adequately” has a corresponding meaning:

“approved” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring:

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

“communicable diseases” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering there from or who is a carrier thereof, to any other person;

“Council” means –

- (a) the Lesedi Local Municipality established by Provincial Notice No. 6768 of 2000 dated 01 October 2000, as amended, 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 System 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 System Act, or any other law, as the case may be;

“dwelling” means any house, room, shed, hut, tent, cave, container, shelter, vehicle boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;

“environmental health” the identification, evaluation and control of all those factors in the environmental (biological, physical and chemical) that may have a deleterious effect on the health and well-being of people in the municipal area

“environmental health practitioner” means an official appointed by the Council, and who is duly registered as an environmental health practitioner with the Health Professions Council of South Africa in terms of section 33 (1) of the Medical Dental and Supplementary Health Professions Act, 1974 (Act No. 56 of 1974);

“exemption certificate” means a certificate issued in terms of section 10;

“hot water” means water which has a minimum temperature of 55°C at the point of discharge;

“municipal area” means the area under the jurisdiction of the Council;

“municipal manager” means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structure Act, 1998 (Act No. 117 of 1998);

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

“occupier” , in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

“organ of state” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)

“owner” , in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person’s estate;

“permit” means a public health permit issued by the Council in terms of the section 11;

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

“pest” means any animal , reptile, insect or mammal, which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitations, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

“potable water” means water that complies with the requirements set out in SABS 241: Water for Domestic Suppliers;

“premises” means –

- (a) any land without any buildings or other structure on it;
- (b) any building or other structure and the land on which is situated;
- (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b) ; or
- (d) any land on which a caravan park or camping ground situated; or

(e) any vessel, vehicles or movable structure which is used for a scheduled use;

“prescribed fee” means a fee determined by the Council by resolution in terms of section 75A of the Local Government: Municipality System Act, 2000 (Act 32 of 2000) as amended;

“public health” means the art and science which aims at preventing disease, prolonging life and promoting health through the organized efforts of society and includes the mental and physical health and well-being of people in the municipal area:

“public health hazard” means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5(3)
- (b) unsanitary conditions
- (c) circumstance which make it easier for a communicable disease to break out or spread;
- (d) circumstances which make food or drinks, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allows pests to infest any place where they may affect public health;

“public health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use, and includes a public place as defined in the Tobacco Control Amendment Act 12 of 1999.

“Rationalization of Local Government Affairs Act” means the Gauteng Rationalization of Local Government Affairs Act, 1998(Act No.10 of 1998);

“scheduled use” means a use listed in Schedule 2.

- (2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- (3) 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 System Act, 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.

Purpose

- 2. The purpose of these By-laws is to enable the Council to set minimum environmental health standards to prevent disease, prolong life, protect and promote the health and well-being of people in the municipal area by -
 - (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can -

- (i) Manage and regulate activities that have the potential to impact adversely on public health; and
 - (ii) require premises to be properly maintained and managed; and
- (b) defining the rights and obligations of the Council and the public in relation to this purpose

CHAPTER 2

PUBLIC HEALTH

Part 1: Public health principles

Principles

3. (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- (2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.
- (3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- (4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must -
- (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and
 - (b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.
- (5) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that -
- (a) avoids creating a public health hazard or a public health nuisance;
 - (b) does not make it easier for any human or animal disease to spread;
 - (c) does not give rise to unsanitary or unhygienic conditions;
 - (d) prevents unsafe food or drink from being eaten or drunk;
 - (e) avoids creating conditions favourable for infestation by pests; or
 - (f) wherever reasonably possible, improves public health in the municipal area.
- (6) In dealing with matters affecting public health the Council must -
- (a) adopt a cautious and risk-averse approach;
 - (b) prioritise the collective interest of the people of the municipal area, and of South Africa, over the interests of any interest group or sector of society;
 - (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
 - (d) adopt a long-term perspective that takes account of the interests of future generations; and

- (e) take account of, and wherever possible without compromising public health, minimize any adverse effects on other living organisms and ecosystems.

Application of principles

- 4. The public health principles set out in section 3 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 that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipality area; or
 - (c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2: Public health hazard and public health nuisances

Prohibition on causing public health hazards

- 5. (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public, health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if:
 - (a) the premises are infested with pests breeding on the premises;
 - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
 - (c) there is any unsanitary condition in any part of the premises; or
 - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

Camping permits

- 6. No person shall, without the written permission of Council, occupy or permit to be occupied for human habitation a caravan, tent or other shelter of any description on un-serviced land except on an authorised camping or caravan site.

Duty to report public health hazards

- 7. The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence -
 - (a) eliminate the public health hazard; or
 - (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Health and Social Development Department in writing.

Prohibition on causing a public health nuisance

- 8. (1) No person may cause a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Definitions

“vicinity” the area as seen in the context of the problem which could range from adjacent premises up to an entire neighbourhood.

Part 1: Potentially hazardous uses

Duty to list potentially hazardous uses

9. If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

Scheduled uses

- 10 (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 11 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 12 before commencing that use and must comply with the terms and conditions of that permit.

Exemption Certificates

11. (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Council in accordance with section 14 for an exemption certificate.
- (2) The Health and Social Development Department may grant an exemption certificate, subject to such condition as it may impose, if an environmental health practitioner is satisfied that -
- (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
- (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

Public health permits

12. (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council's environmental health section in accordance with section 14 for a public health permit.
- (2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health permit -

- (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council
- (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
- (c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

Approval of measures, object and materials

13. (1) The Council may approve, provided that the said approval is not in conflict with any other legal requirement, any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in -
- (a) a public health permit; or
 - (b) guidelines prescribed by the Council in terms of subsection (3)
- (3) The council may publish guidelines in the Provincial Gazette which describe -
- (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
 - (b) the circumstances in which taking these measure or using these objects or materials are acceptable to the Council.

Application procedure

14. (1) Any person who wants to obtain an exemption certificated or a permit must apply to the Council's environmental health section in writing in a form attached as Annexure 1, prior to undertaking the schedule use concerned.
- (2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health practitioner as soon as reasonably possible.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council -
- (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and have had an opportunity to make representation; and
 - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in section 3.

General terms applicable to certificates and permits

15. (1) An exemption certificate or a permit-

- (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must -
- (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any, and
 - (e) indicate the expiry date

An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany 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 until the prescribed fees have been paid.

Suspension, cancellation and amendment of exemption certificates and permits

16. (1) An environmental health practitioner may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit, after having informed such holder of the reasons for such an exemption certificate and permit being cancelled or suspended.
- (2) An environmental health practitioner may suspend or cancel an exemption certificate or permit with immediate effect -
- (a) the environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance, or
 - (b) the holder of such certificate or permit fails to comply with a compliance notice contemplated in section 32 of the Rationalization of Local Government Affairs Act, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- (3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if -
- (a) the environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - (c) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- (4) An environmental health practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

Part 2: Enforcement, remedial work and costs

Demolition orders

17. (1) If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorizing the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- (2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 day's notice in writing of its intention to make the application and has considered any representations made within that period.

Right of entry and remedial work

18. The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary -
- (a) to ensure compliance with these By-laws or with any compliance notice issued in terms of section 32 of Rationalization of Local Government Affairs Act;
 - (b) to reduce, remove or minimize any significant public health hazard, or
 - (c) to reduce, remove or minimize any public health nuisance.

Cost orders

19. (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including -
- (a) a person on whom a compliance notice referred to in section 18 (a) that required those steps to be taken, was served;
 - (b) the owner or occupier of the premises concerned; or
 - (c) any person responsible for creating a public health hazard or a public health nuisance.
- (2) The municipality manager or delegated official may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

CHAPTER 4

SANITARY SERVICES

Compulsory connection to municipal sewage system

20. Every owner of premises to which a municipal sewage service is available, must ensure that all waste drainage pipes from any bath, wash-hand basin, toilet, shower, kitchen sink, washing machines and dish washers are connected to the municipality sewer in an approved manner.

Prohibition against obstruction of sanitary service

21. No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

Requirements in respect of toilet facilities

22. Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standard Act or any other applicable legislation.

Toilets for workers

23. (1) Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.
- (2) No temporary toilet may be erected or placed on any pavement or other public place without the written approval of Council.

Prohibition against use of a bucket toilet under the same roof as a dwelling

24. No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

Condition of toilets, urinals, backyards and refuse areas

25. Every owner or occupier of any premises must keep every backyard; refuse area, toilet, and urinal in a sanitary condition and good state of repair.

Separate storage of urine

26. (1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.
- (2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

Provision of tank for waste liquids in areas without sewers

27. (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.
- (2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with -
- (a) an overhead tank placed in a way that its contents can be gravity fed into the Council's or other approved waste removal vehicle, or
- (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- (3) The provisions of subsection (2) do not apply if -
- (a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
- (b) the waste water is dispersed in a way that will not create a public health nuisance.

Pumping of contents of underground tank to surface tank

28. Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground

tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

Blocked or defective outlet pipes

29. Every owner or occupier of premises must keep any drainage system free from obstruction and in a good state of repair.

Prohibition against urine in slops tanks

30. No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

CHAPTER 5

PRIVATE SEWAGE WORKS

Permit for provision of service for the removal of human excrement or urine

31. No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorizing that service.

Permit for installation of sewage works

32. No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorizing that activity.

Maintenance of sewage works

33. Any person operating a sewage works must ensure that it is maintained in a sanitary condition and good state of repair at all times.

Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

34. No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower, kitchen sink, swimming pool, washing machines, dish washers and refuse receptacles in a way or in a location that may-
- (a) cause dampness in or on any premises;
 - (b) endanger the quality of any water supply, surface water, stream or river, or
 - (c) create a public health nuisance and/or hazard.

Compulsory use of Council's sewage removal service

35. Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

CHAPTER 6

WATER

Definitions

36. In this Chapter, unless the context otherwise indicates -

“domestic consumption” in relation to water, means the use of water for –

- (a) human consumption
- (b) preparing or manufacturing food or drink for human consumption;
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or

- (d) any other domestic purpose.

“effluent” means any waste water which may be generated as a result of undertaking any scheduled use or any activity which is likely to cause a public health nuisance.

Pollution of sources of water supply

37. No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

Dangerous wells, boreholes and excavations

38. Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises -
- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
 - (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

Provision of adequate water supply

39. Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

Use of water from source other than the municipal supply

40. No person may use, or permit to be used; any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose and complies with standards of potable water.

Furnishing of particulars of the source of water

41. (1) Any owner or occupier of premises on which well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provided the Council with all particulars of the water source reasonably available to the owner or occupier.
- (2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of chemical analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.
- (3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2) must be submitted to Council annually or at any time on request of an environmental health practitioner.

Notice of the sinking or digging of boreholes or wells

42. (1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless -
- (a) it is done so in accordance with any relevant law; and
 - (b) her or she has given the Health and Social Development Department at least 14 days' written notice of his or her intention to do so.

- (2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

Storm water runoff from premises which may impact on public health

43. (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises -
- (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produce, stored, dumped or spilled
 - (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
 - (c) to separate all effluent from storm water systems;
 - (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
 - (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
 - (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- (2) An owner or occupier of premises -
- (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
 - (b) may not locate any dump within the one hundred year flood line of any water resource;
 - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation, or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
 - (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank plus an additional 10% in the event of any unlawful or accidental discharge from the tank or group of tanks; and
 - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in adverse impact on the quality of any surface or ground water.

Containment of waste water

44. Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 meters above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of one in 100 years.

CHAPTER 7

OFFENSIVE TRADES

Definitions

45. In this Chapter, unless the context otherwise indicates -

“effluent” means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

“offensive trade” means of any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting ;
- (b) operating a hazardous waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling , tripe boiling or cleaning, skin storing , bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing , tanning or glue or size making,
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metal
- (m) Work of a knacker
- (n) Slaughtering of animals
- (o) Fish mongering and fish frying
- (p) Manufacture of flock and rags.
- (q) Animal bristle and hair storing and sterilizing.
- (r) Manufacture of chemicals.
- (s) Fell-mongering
- (t) Storage of raga.
- (u) Wood saw-dust.
- (v) Iodoform.
- (w) works for the production of carbon bisulphide, cellulose, lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur chlorides;
- (x) works for the production of amly acetate, aromatic ethers, butyric acid, caramel, enamelled wire, compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (y) the refining or processing of petrol, oil or their products;
- (z) Any other work or trade of an offensive nature which, with the sanction of the Council may add to the list.

“offensive trader” means any person who owns, conducts or carries on an offensive trade.

Permit requirement

46. No person may conduct an offensive trade in or any premises, except in terms of a permit authorizing such trade.

Requirements for premises

47. No person may conduct an offensive trade in or on any premises unless -
- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
 - (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
 - (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
 - (i) discharge offensive or injurious effluent or liquid, or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material,
- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulation and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 meters, is constructed around the premises.
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view;
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for male and female employees must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position, and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of offensive traders

48. Every offensive trader must -

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fitting, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises and provide proof when required of safe disposal of recycled or hazardous related waste materials,
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying,

- melting, rendering, boiling or grinding process or storage of any material on the premises; and
- (f) provide and maintain effective measures to preclude the open attraction of pest and to prevent the breeding thereof.

Liquid refuse from bone and tripe boiling

49. (1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharge into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generations of any noxious and injurious effluent.

Liquids, tanks and tubs in leather making

50. Every fell-monger, leather dresser or tanner must -
- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner,
- (b) clean the entire tank or other receptacle every time it is emptied;
- (c) clean every tub or other receptacle used to contain a solution of the material known as "puer"

Storage of rags, bones and waste

51. No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -
- (a) inhabited by people; or
- (b) not adequately ventilated.

CHAPTER 8

HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICE

Definitions

52. In this Chapter, unless the context otherwise indicates -
- "body piercing" means the piercing of the skin for the purpose of inserting any foreign object;
- "cosmetology or beauty service" includes, but is not limited to anyone or more of the following services:
- (a) Manicure, pedicure, nail technology, or the application of false or artificial nails or nail extensions, whatever the substance used;
- (b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes
- (c) cosmetic and camouflage make up of the face and its features, whether by permanent, semi permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- (f) body piercing and tattooing for cosmetic purposes;
- (g) massaging;
- (h) body bronzing by means of ultraviolet radiation or any similar method, or
- (i) body contouring including all forms of slimming;

'hairdressing' includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing, conditioning and treating hair;
- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or tones;
- (d) hair cutting and shaping
- (e) barbering services including shaving and singeing of hair; or
- (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

"salon" means any place where any or more of the following services are performed for gain:

- (h) hairdressing service;
- (i) cosmetology on beauty services;
- (j) body piercing and tattooing; or
- (k) massaging services;

"salon service" means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any message, body piercing and tattooing service

Permit requirement

53. No person may operate a salon except in terms of permit authorizing that activity

Requirement for premises

54. No person may operate a salon on any premises which do not comply with the following requirements:
- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
 - (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
 - (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
 - (d) adequate, separate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
 - (e) an approved system for the disposal of waste water must be provided;
 - (f) adequate storage facilities must be provided;
 - (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed, and
 - (h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
 - (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;

- (j) if no change-rooms has been provided in terms of paragraph (i) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of salon operators

55. Any person operating a salon must -

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) equip the premises with an adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin;
- (c) provide employees on the premises with approved protective clothing and equipment;
- (d) collect all hair clippings and other waste in an approved container after every service;
- (e) store or dispose of waste in an approve manner;
- (f) adequately train any person working on the premises on health and hygiene matters;
- (g) not permit any animal on the premises unless it is guide dog accompanying a blind person, and
- (h) ensure that any employee working with the public with an open wound on their hands or with a communicable skin condition to take the necessary precautions.
- (i) ensure that every person working in the salon complies with the requirements of this section and section 55 and 56.

Required minimum health standards for the operation of a salon

56. Any person operating or employed in, a salon must take the following measures:

- (a) adequately disinfect all the instrument after each use;
- (b) adequately sterilize the following instruments after each use;
 - (i) any instrument used for body piercing or tattooing
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing one of the following salon services:
 - (i) any chemical services;
 - (ii) any hair implant;
 - (iii) body piercing; and
 - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- (j) store razors, blades, needles and other sharp instruments separately in a 'sharp instrument' container;
- (k) adequately treat any injury or wound which may occur on the premises

- (l) clean and disinfect all surface that have been contaminated by blood after each service;
- (m) keep an approved first aid kit on the premises at all times as prescribed by the Occupational Health and Safety Act 1993 (Act No. 85 Of 1993);
- (n) All tubes and needles must be stored in single service, sterile, sealed autoclave bags that must be opened in the present of the client.

Prohibition against the use of salon premises for other purposes

57. (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose

CHAPTER 9

SECOND-HAND GOODS

Definitions

58. In this Chapter, unless context otherwise indicates -

“second-hand goods business” means any business in which used goods and materials are sold, including, without limitation –

clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and bones or tallow.

Requirements for premises

- 59 No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:
- (a) any section of the premises where second-hand goods are stored and handled must be enclosed by walls constructed of brick, rock or concrete, with a minimum height of two meters;
 - (b) all gates to the premises must be of solid construction with a minimum height of two meters;
 - (c) all materials must be stacked or stored below the height of the perimeter screening;
 - (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
 - (e) all storage areas must be paved with cement, concrete or other approved impervious material;
 - (f) all backyard surface and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
 - (g) adequate sanitary fixtures for both sexes employed on the premises must be provide, as prescribed in the National Building Regulations and Building Standard Act;
 - (h) an adequate number of refuse containers must be provided.
 - (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;

- (j) if no change-rooms has been provided in terms of paragraph (i) –
- (k)
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of second-hand goods traders

60. Any person who conducts a second-hand goods business must -
- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;
 - (b) ensure that no water accumulates in any article stored on the premises;
 - (c) ensure that goods are stored in such a manner as to prevent the pollution of the surrounding environment which includes but is not limited to air, water or soil.
 - (d) keep the premises in a clean, neat and sanitary condition at all times;
 - (e) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
 - (f) keep any other articles separate from articles which have been disinfected; and
 - (g) label all articles which have been disinfected in a conspicuous place on each article.

CHAPTER 10

ACCOMMODATION ESTABLISHMENTS

Definitions

61. In this Chapter, unless the context otherwise indicates -

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals;

“dormitory” means a sleeping room in which sleeping accommodation is provided for four or more persons.

Permit requirement

62. No person may operate an accommodation establishment except in terms of a permit authorizing that activity.

Requirements for premises of accommodation establishments

63. No person may operate accommodation establishments on premises which do not comply with the following requirements:
- (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons that will allow-
 - (i) less than 11,3m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 5,7m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
 - (b) no latrine, passage, staircase, landing, bathroom, cupboard, out building, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may be used as sleeping accommodation;
 - (c) if a dormitory is provided on the premises –

- (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
 - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
 - (iii) every bed in a dormitory must be so placed that its sides are at least one meter away from any part of any other bed;
- (d) an accommodation establishment must be provided with -
- (i) an area of the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishments;
 - (ii) adequate separate wash-up facilities; and
 - (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes; (Such establishment to comply with the provisions of R918 of the National Building Regulations and Building Standards Act.).
- (e)
- (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
 - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i)
 - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;
- (f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
- (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j)
- (i) a separate room with approved containers must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
 - (ii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing areas equipped with the necessary facilities for this purpose must be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- (l)
- (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete

- or some other durable, impervious material brought to a smooth finish; and
 - (iii) the floor surface of every habitable room must be constructed of an approved material;
- (m) the following facilities must be provided for people who are employed and also reside on the premises:
 - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (n) adequate changing facilities must be provided for no-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained,
- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

Duties of operators of accommodation establishments

64. Every person who conducts an accommodations establishment must -

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hanging and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishments in the manner provided in section 62 (j);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62 (k);
- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) handle refuse in the manner provided in section 62(p).
- (k) must ensure compliance with R918 of the National Building Regulations and Building Standards Act if food is provided to the occupants.

CHAPTER 11**DRY-CLEANING AND LAUNDRY ESTABLISHMENTS****Definitions**

65. In this Chapter, unless the context otherwise indicates -

“dry-cleaning or laundry business” means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed,

“dry-cleaning or laundry receiving depot” means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

Premises for dry-cleaning or laundry business

66. No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:

- (a) a work-room or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided;
- (b) adequate separate areas for marking clean and dirty articles must be provided with –
 - (i) tables with an impervious surface;
 - (ii) adequate washable containers for dirty articles; and
 - (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- (c) a separate room or area with separate designated counters, with impervious surface, must be provided for the receipt and dispatch of articles; and
- (d) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;
- (e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water, and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin,
- (f) if no change-rooms has been provided in terms of paragraph (e) -
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area;
- (g) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
- (h) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
 - (i) every toilet and change-room must be clearly gender designated;
 - (j) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
 - (k) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;

- (l) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- (m) the minimum height from floor to ceiling of any room or area must be 2,4 meters;
- (n) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;
- (o) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- (p) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (q) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

Premises for dry-cleaning or laundry receiving depots

67. No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:
- (a) A separate room or area with a minimum width of two meters must be provided for the receipt and dispatch of articles;
 - (b) fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;
 - (c) a wash-hand basin with a supply of running potable water must be provided;
 - (d) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;
 - (e) all internal wall and ceiling surface must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
 - (f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
 - (g) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
 - (h) adequate washable containers for storing dirty articles must be provided;
 - (i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
 - (j) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and
 - (k) an adequate metal locker must be provided for every person employed in the receiving depot.

Premises for coin-operated laundries

68. No person may operate a coin-operated laundry on premises which do not comply with the following requirements:
- (a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;
 - (b) an adequate area must be provided where ironing is done on the premises; and
 - (c) any machine on the premises must be installed in accordance with any applicable law.

General requirements for dry-cleaning and laundry business

69. Any person conducting a dry-cleaning or laundry business or in charge of premises on which dry-cleaning, laundry or receiving depot exists, must -
- (a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
 - (b) separate dirty articles from clean articles at all time, including when in transit;

- (c) use a change-room solely for changing;
- (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times
- (e) keep protective clothing in a clean and sound condition at all times;
- (f) store protective clothing in a locker when it is not being worn;
- (g) affix the name and business address, in clear lettering, to the outside of any business vehicles;
- (h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- (i) comply with the requirements of the following legislation at all times:
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
 - (ii) the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
- (j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulation and Building Standards Act;
- (k) insulate all steam piping with an adequate material, and
- (l) dispose of all waste water in an approve manner.

CHAPTER 12

SWIMMING POOLS AND SPA-BATHS

Definitions

70. In this Chapter, unless the context otherwise indicates -

“spa-bath keeper” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purpose;

“spa-bath keeper” means any person who owns or controls the operation of a spa-bath;

“swimming pool” means a structure with a controlled water supply used for swimming or bathing , including a children’s swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

“swimming pool keeper” means any person who owns or controls the operation of a swimming pool.

Requirements for premises

71. No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:

- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
- (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act or be covered with a SABS approved pool net;
- (c) the surface of the floor area surrounding any spa-bath or swimming –pool must be constructed of an impervious, non-slip material;
- (d) an approved chemical gas mask must be provided at the chlorinator installation;
- (e) if so instructed in writing by an environmental health practitioner, an oxygen or air breathing apparatus must be provided, and
- (f) an adequate number of refuse receptacles must be provided on the premises.

Duties of spa-bath keepers

72. Every spa-bath keeper must -
- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
 - (b) provide a properly maintained approved first-aid kit in a prominent, easily accessible and protected position;
 - (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
 - (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water
 - (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the test results; and
 - (f) maintain a daily record of the spa-bath water quality.

Duties of swimming pool keepers

73. Every swimming pool keeper must -
- (a) keep the premises in a safe, clean and sanitary condition at all times;
 - (b) provide a property maintained approved first-aid kit in a prominent, easily accessible and protected position;
 - (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of swimming pool water;
 - (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times:
 - (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
 - (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results, and
 - (g) maintain a daily record of the swimming pool water quality.

Water supply

74. (1) Unless the prior written approval of an environmental health practitioner has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) An environmental health practitioner must -
- (a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
 - (b) submit the samples to an analyst authorized in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, Act 54 of 1972 to conduct an analysis.

Safety of water

75. Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:
- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
 - (b) the pH value of the water must be not less than 7 and not greater than 8;
 - (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained,

- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

Order and behaviour

76. No person may -

- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;
- (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 13

CHILD-CARE SERVICE

Definitions

77. In this Chapter, unless the context otherwise indicates -

- **“adequate” and “suitable”** means adequate or suitable as the case may be, in the opinion of the Head of Health or an Environmental Health Practitioner.
- **“approved”** means approved by the Head of Health Services in a municipality or an Environmental Health Practitioner, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be.
- **“best available method”** means the method available that will best prevent disease.
- **“child”** means a child admitted to a pre-school institution in terms of these Guidelines.
- **“domestic staff” or “general worker”** means staff employed in a pre-school institution for cleaning, cooking and other related work.
- **“head of municipal health services”** means the person appointed by the council as such
- **“health certificate”** means a health certificate issued in terms of these By-laws
- **“health certificate holder”** means a natural person or a partnership, or an association of person, to whom a health certificate has been issued in terms of section 3 of By-Laws.
- **“municipal health service”** means services as defined in section of the National-Health Act. 61 of 2003
- **“municipality or council”** means a Lesedi Local Municipality, District Municipality, Local Municipality as defined in section 155 of the Constitution of RSA, Act 108 of 1996.
- **“pre-school institution”** means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or

the building or the premises maintained or used for the purpose of conducting such undertaking

- **“registered Body”** means the state Department or municipality authorize to issue a registration certificate
- **“registration certificate”** means a certificate issued by the authorized state department.

Application of Guidelines

78. These guidelines shall apply to all pre-school institutions. The Head of Municipal Health Services or an Environmental Health Practitioner when implementing these guidelines shall apply the principle of best available method.

Health Certificate

- 79 (a) No person or body of persons shall conduct a pre-school institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with these By-laws, such certificate shall state:
- (i) the number and both minimum and maximum age of the children permitted to be kept on such premises.
 - (ii) the hours during which such pre-school institution may operate.
- (b) The head of municipal Health Services shall issue the Health certificate contemplated in paragraph (a) if he/she is satisfied that the these by-laws are complied with.
- (c) A health certificate issued is not transferable.

Requirements of Premises for Accommodation of Children between three and seven years

80. (1) General
- (a) (i) A room adequate in size to be used for the purpose of isolating a sick child must be provided.
 - (ii) Such room must have a minimum area of 6m² and where more than 50 children are cared for this room must be a minimum of 12m² to be used as an office as well.
 - (iii) Such room be provided with a wash hand basin and at least one 25 litter closed container with potable water.
 - (iv) An approved first aid kit must be provided
 - (v) A bed or stretcher or other approved sleeping equipment must be provided.
 - (b) Adequate storage facilities for food, stretches, sleeping mats, bedding, linen, indoor and outdoor play equipment must be provide.
 - (c) Separate storage facilities for the personal belongings of each child and staff member must be provided.
 - (d) Sanitary and ablution facilities for children shall have:-
 - (i) Ready access between the outdoor play area and the toilet facilities.
 - (ii) There must be one toilet pan or bucket for every twenty children which must be provided with a lid to be kept closed at all times except for the time it is being used.
 - (iii) Each toilet pan or bucket must be emptied and sanitized after each use thereof
 - (iv) The toilet pan or bucket must be emptied into an approved toilet which is either a pit latrine or other approved closet.

- (v) There must be hand washing facilities with water next to the toilets pans or bucket.
 - (vi) There must be one wash hand basin for every 20 (twenty) children
 - (vii) The wash hand basin and buckets for the toilets must be of a suitable size and height for the children.
 - (viii) The toilet pan/bucket must be placed in such a way as to be enclosed and screened from the public.
 - (ix) An adequate number of bins with self closing lids for disposal of paper, towels, tissues and other waste articles must be provided.
 - (x) A minimum of one towel for each child's individual use must be provided unless the Head of Health Services or an Environmental Health Practitioner permits the use of disposable paper towels.
 - (xi) Individuals pegs or nodes for each child's towel which shall be placed 225 mm apart and within child's reach and marked in such a manner as to be easily recognized by each child must be provided.
 - (xii) A reasonable supply of toilet paper, tissue and soap available to the children must be provided.
 - (xiii) There must be a supply of about 25l of potable water in the toilet and at wash hand basins.
- (e) Sanitary and ablution facilities for staff:
- (i) Shall have one toilet and one wash hand basin for every 15 persons or part thereof.
 - (ii) Shall have 25l of water supply soap, toilet paper and clean towel.
 - (iii) Shall have a bin with self closing lid or other approved disposal unit installed in each water closet intended to be used by females.
- (f) Separate approved laundry facilities on the premises; unless laundering is done on other approved premises must be provided.
- (g) Indoor Play Area
Child care premises on which children under school going age are cared for, must be provide with an indoor play area as follows:-
- (i) The building or structure may be of wood and iron and be constructed to be securely placed and be able to provide protection from the weather such as strong winds, rain and other conditions.
 - (ii) The interior walls must be brought to a smooth finish and insulated with approved material.
 - (iii) No plastic or cardboard may be used in the construction of the structure.
 - (iv) The floor surface must be constructed of an impervious material such as concrete and brought to a smooth finish.
 - (v) The structure must be rodent proof.
 - (vi) The windows and doors must be positioned to be able to provide cross ventilation and natural lighting.
 - (vii) The windows of all playrooms and isolation areas shall be so designed and installed as not more than 750 mm from the ground.
 - (viii) The indoor play area shall provide at least 1,5m² of free floor space per child.
 - a) separate indoor play areas shall be provided for the following age groups: under 3 years, 3-7 years and after school children.
 - (ix) The interior part of the roof must be provided with insulating material.

- (h) Outdoor Play Area
- (i) An outdoor play area which is free of any excavations, projection, levels or any surface which is dangerous or may constitute a safety hazard shall be provided.
 - (ii) A minimum outdoor play area of 2m² per child shall be provided.
 - (iii) If no outdoor area is available an approve additional indoor area of 1,5m² per child shall be provided
 - (iv) The premises shall have an approved fence and lockable gets to prevent a child leaving the premises on its own and to prevent the entrance or animals or unauthorized person.
 - (v) Separate outdoor play area should be provided for the following different age groups: Under 3 years, 3-7 years and after school children.
80. (2) Requirements of premises for Children under two years
- (a) Indoor area
- (i) A nursery for playing eating and sleeping purposes where a minimum indoor area of 1,5m² per child is provided.
 - (ii) Cots shall be arranged so that there shall be a minimum space of 500 mm between cots
 - (iv) Adequate heating facilities to be provide in the indoor area.
 - (v) If children aged two years and over are accommodated a separate indoor area must be provided for this group that is able to provide 1,5m² per child of available floor space.
- (b) Outdoor area
- (i) The outdoor area for children under two years must be a minimum of 2m² per child for the use of perambulators play pens and outdoor activities.
 - (ii) In high density areas where the pre-school is situated in a building, the outdoor area of 1,5m² per child must be provided.
 - (iii) If a nursery school which has been registered is conducted on the same premises as a pre-school institution for ages 3-7 years, the nursery and the pre-school institution must be separated.
 - (iv) An after school care centre shall not be permitted on the same premises as a pre-school institution, unless in completely separate facilities or unless conducted at different times.
- (c) Kitchen
- (i) In addition to the requirement for the kitchen referred to in R918 of 30 July 1999 if bottles and teats are used for feeding of children the kitchen shall be increased if in the opinion of the Environmental Health Practitioner it is necessary to have a separate area for milk kitchen purpose.
 - (ii) The milk kitchen shall have the following:-
 - a) Approved containers for washing bottles and the other for rinsing with adequate, potable water.
 - b) A separate cooling facility for the storage of milk and milk bottles.
 - (iii) There must be adequate storage facilities for food line perambulators and other equipment
 - (iv) Separate storage facilities for the personal belongings of each child and staff members.
 - (v) Sanitary ablution facilities for children under two years shall have the following:-
 - a) Ready access to the Nursery school or indoor play area of the nursery.

- b) A separate sluice area with a minimum size of 3m² and which shall have a container with a tight fitting lid for soiled nappies.
- (i) The sluice area must have a hand washing facility provided with water in a 25l container
 - (ii) Approved chamber pots which can be emptied in an approved toilet must be provided which are accessible and suitable for use by children.
 - (iii) There must be one chamber pot for every five (1:5) children.
 - (iv) Disposable and approved material for cleaning of children wearing nappies must be provided.
 - (v) A minimum of one towel and one face cloth for each child's use must be provided.
 - (vi) Individual pegs or hooks placed at 225 mm apart individually marked must be provided for each child.
 - (vii) There must be an adequate number of bins with self closing lids for disposal of paper, paper towels, tissues and other waste.

After school care facilities

81. An after school care centre shall not be permitted on the same premises as a pre-school institutions, unless in completely separate facilities or unless conducted at different times.

General duties and liabilities for compliance with regulations

82. The health certificate holder shall ensure that the children are at all times properly cared for and supervised and shall:
- (i) Maintain every part of the child care service, including any outdoor area and all structure and equipment in good repair and in a clean and hygienic condition at all times.
 - (ii) Ensure that all persons on or in the premises are clean in person and clothing and are in good state of health.
 - (iii) Ensure that no person shall smoke or use any tobacco product in the presence of children.
 - (iv) Ensure toys, books and other indoor play materials intended for day-to-day use are available in the indoor play areas and suitably stored so as to be within easy reach of the children.
 - (v) Ensure that the children are at all times under the direct supervision of the specified number of adults in the following ratio:
 - (a) One adult supervisor for every 6 babies between 0-18 months.
 - (b) One adult supervisor for every 12 children between 18 months and 3 years
 - (c) One adult supervisor for every 20 children between 3 and 5 years
 - (d) One adult supervisor for every 30 children between 5 and 6 years
 - (e) One adult supervisor for every 35 children of school going age
 - (vi) If transport to or from a child care service is provided - shall ensure that:
 - (a) The children are supervised by at least one adult apart from the driver during transport.
 - (b) The doors of the vehicle are lockable and cannot be opened from the inside by the children
 - (c) No children are transported in the front seat of the vehicle
 - (d) No babies are placed under the seat of a vehicle
 - (e) The vehicle is not overloaded in terms of any applicable law.

- (f) The transport of children are not allowed in the boot of any vehicle
- (g) The driver of the vehicle is licensed to transport passengers as stipulated in the National Road Traffic Act, No 93 of 1996
- (h) The vehicle is licensed and is in a road worthy condition
- (i) That when children are transported in the back of an enclosed light commercial vehicle, care shall be taken to ensure that no exhaust fumes enter the enclosed area, and that the said enclosed area is sufficiently ventilated.
- (j) If meals are provided an approved two weekly menu is displayed at place visible to the parents.
- (k) Meals provided shall be nutritionally balanced and of adequate volume to satisfy the energy needs of the children in each age group.
- (l) Ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables are stored in cooling facilities able to maintain 0°C or 7°C for milk.

Resting and Play Equipment

83. Suitable juvenile seating accommodation and tables shall be provided for each child:
- (i) adequate and approved individual resting or sleeping equipment shall be provided for the separate use of each child
 - (ii) An approved blanket for the individual use of each child shall be provided.
 - (ii) Adequate, approved and safe indoor and outdoor play equipment shall be provided for the children's use.

Medical care for Children

84. (1) The parent or guardian of the child who becomes ill or has suffered an injury requiring medical attention shall be notified as soon as possible.
- (2) Whenever a child becomes ill or has suffered an injury requiring medical attention, medical assistance shall be summoned for which purpose a telephone shall be easily available.
- (3) Any child who falls ill or has suffered any injury shall receive the necessary care and treatment in the sick bay area, so designated.
- (4) In the event of a communicable diseases, the municipality shall be notified immediately.
- (5) The child-care provider shall ensure that all children have completed basic immunization schedules as deemed necessary.
- (6) The provisions of the Regulations R2438 of 20 October 1987, promulgated under the Health Act, 63 of 1977 regarding communicable diseases and notification of notifiable medical conditions shall apply to child care services.
- (7) All child-care service providers shall be trained in basic first aid.

Safety Measures

85. The following measures shall be taken on premises on which child-care services are conducted -
- (a) Children shall be adequately protected against fires, hot water installations electrical fitting and appliances, heating appliances and any other article or substances which may be dangerous or cause harm to any child.
 - (b) Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, shall not be more than 75 mm apart and shall be suitably installed and maintained in a good state of repair and if painted only non-toxic paint shall be used.
 - (c) All medicines, pesticides, detergents and other harmful substances shall be stored so as not to be accessible to any child and be under lock and key at all times.
 - (d) No noxious or poisonous or dangerous plant or shrub shall be permitted on the premises and no animals or birds be kept on the premises without the approval of the Environmental Health Practitioner.

- (e) No person known or suspected to be suffering from infections or contagious disease and no person so suffering, shall be allowed on the premises while in the opinion of the Environmental Health Practitioner or medically trained person, such person is capable of communicating such infections or contagious disease.
- (f) No padding pool, swimming pool or other structure shall be permitted in any child-care service without an approved fencing and safety net.
- (g) The sandpit shall be covered with an approved covering material when not in use.
- (h) The provisions of the Regulation regarding the exclusion of children from day-care services on account of infectious diseases made in terms of the National Health Act, Act 61 of 2003 as amended shall apply to all child-care services.
- (i) Any other reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger shall be taken by the child-care service on instruction of the environmental Health Practitioner.
- (j) The premises must comply with fire regulations by providing at least two doors on opposite sides.

Application for admission

86. (1) The health certificate holder shall ensure that an application form containing the following information is completed by the parent or guardian of a child on admission to child care service.
- (a) The child's name and date of birth
 - (b) Name, address and telephone number of the parent or guardian
 - (c) Place of employment and telephone number of the parent or guardian
 - (d) Name address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies
 - (e) Name, address and telephone number of the child referred to, in such form, shall be entered thereon.
- (2) The relevant date of admission and discharge of the child's doctor and permission to consult him.
- (3) All application forms shall be retained for a minimum of 3 years.

Registers

87. (1) An admission and discharge register of all children admitted to and discharged from the child care service shall be kept
- (2) A register of attendance shall be kept in which the presence or absence of children shall be noted daily
- (3) Such attendance register shall include the children's respective dates of birth

Medical Report

88. A report containing the following health data shall be obtained from the parent or guardian in respect of each child admitted and cared for:
- (a) Information concerning the child's general state of health and physical condition.
 - (b) Operations, illness and any communicable disease which the child has suffered and the relevant dates.
 - (c) Details of required immunizations
 - (d) Details of allergies and any medical treatment such child may be undergoing.

Food Preparation

89. (1) An area adequate in size and separate from indoor play area where food is to be handled, prepared, stored or provided to children or for any other purpose shall be provided.

- (2) Such area shall comply with the provisions of Regulations R918 promulgated in terms of the Health Act 63 of 1977 as amended and be provided.

Right of entry and inspection of premises and records

90. Any duly authorized officer of the council may for any purpose connected with the application of these by-laws at all reasonable times and without notice, enter any premises upon which a pre-school institutions is conducted or upon which such officer has reasonable grounds for suspecting the existence of such pre-school and make such examination, enquiry and inspection thereon as he may deem necessary.

Journal

91. Any person who provides a child-care service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanations is recorded.

Suspension or termination of operations

92. The health certificate holder shall notify the council of the suspension or termination of the operations of the pre-school institution to which such health certificates relates or in the event of any occurrence as specified in section 3(2).

Offences

93. (1) Any person who fails to give, or refuses access to any official of the council duly authorized by these by-laws or by the council to enter upon and inspect any premises, if the official requests entrance to such premises, or obstructs or hinders such official in the execution of his/her duties in terms of this by-laws, or who fails or refuses to give information that he/she may lawfully be required to give to such official, or who gives to such official false or misleading information, knowing it to be false or misleading, or who unlawfully prevents any other person from entering upon such premises, shall be guilty of an offence.

Any person who –

- (a) fails or refuses to comply with any provision of these by-laws or any conditions imposed by the Head of Health Services in terms of section 2;
- (b) being a health certificate holder, allows –
- (i) a greater number of children than the number stated on the health certificate to be enrolled or to be present in the pre-school institution to which the health certificate relates;
 - (ii) any child whose age is more or less than the maximum or minimum ages of the children who may be kept on the premises concerned, in terms of the health certificate, to be enrolled at or to be present in such pre-school institution; or
 - (iii) such pre-school institution to be operated during hours not stated on such health certificate, shall be guilty of an offence and liable, on conviction, to a fine not exceeding R500 or imprisonment for a period not exceeding 12 months, or both, and in the event of a continuing offence shall be guilty of a separate offence and liable as aforesaid for every day or part of a day during which the offence continues.

- (2) Presumptions

If at any prosecution in terms of these by-laws, it is alleged –

- (a) that the owner, lessee or occupier of the premises conducts a pre-school institution at such premises, he/she shall prima facie be deemed

- to have conducted a pre-school institution at the said premises, unless the contrary is proved, or
- (b) that any child was of a certain age, such child shall be deemed, prima facie, to have been that age, unless the contrary is proved

Withdrawal of health certificate

94. The Council may at its discretion withdraw a health certificate issued in terms of these by-laws, should such health certificate holder be convicted of a breach of the provisions of the by-laws.

CHAPTER 14

KEEPING OF ANIMALS

Definitions

95. In this Chapter, unless the context otherwise indicates -

“agricultural holding” means the same as defined in the applicable Town Planning Scheme;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, reptile, insects and wild animal;

“aviary” means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“cattery” means premises in or upon which –

- (a) boarding facilities for cats are provided ; or
(b) cats are bred for commercial purposes;

“enclosure” in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

“keeper” means –

- (c) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
(d) in relation to a battery system cattery, kennels, pet parlour or pet shop means the person who owns the business of which if it forms part of and the person in charge of the premise in which the animals are kept;

“kennels” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
(b) dogs are bred for commercial purposes;
(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
(d) dogs are kept for commercial security purpose;

“livestock” means horse, cattle, sheep, goats, pigs, mules, donkeys and poultry.

“pet” means a domestic animal, reptile, insect, bird or poultry kept in a household for companionship or amusement:

“pet parlour” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means the premises on which the business of keeping and selling of pets is carried out;

“poultry” means fowls, ducks, Muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“poultry house” means an roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

“poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

“proclaimed township” means an approved township as contemplated in section 79, 103, 111 and 14(14) of the Town Planning and Township Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;

“rabbit hutch” means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

“rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

“stable: means any building or structure used to accommodate livestock other than poultry;

“wild animal” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea- fowls.

Part 1: General provisions relating to the keeping of animals

Application of Chapter

96. (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -
- (a) any agricultural show where animal are kept on a temporary basis; and
 - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 144 apply to the keeping of animals at any agricultural show and at research laboratory.
- (3) No person may, subject to the provision of section 121, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance
- (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -
- (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.

- (6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys

Requirements for premises

97. (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (c) the height of the walls to the wall plates of the stable must –
 - (i) if the roof is a pitched roof be 2,4 metres;
 - (ii) if the roof is a flat roof be 2,7 metres;
 - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;
 - (d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;
 - (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
 - (f) the lowest point of every opening , window or louvers must be at least 1,8 metres, above floor level;
 - (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 121;
 - (h) an enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
 - (i) no enclosure or stable may be situated within –
 - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
 - (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

Duties of keeper of cattle, horses, mules and or donkeys must –

98. Any person who keeps any cattle, horse, mule or donkey must -
- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair,
 - (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
 - (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:

- (i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish, and
 - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in a diameter and is kept filled with water
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;
 - (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least one every second day and dispose of the manure in a way which will not create a public health nuisance;
 - (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
 - (h) store all saddles, bridles, harnesses and other equipment or articles use in connection with the keeping of the animals, in a storeroom or other adequate storage facility;
 - (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids; and
 - (j) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of cattle, horses, mules and donkeys.

Part 3: Keeping of goats and sheep

Application

99. The provision of section 99 and 100 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons

Requirements for premises

100. (1) No person may keep goats or sheep in –
- (a) an enclosure which does not comply with the following requirements:
 - (i) the minimum overall floor area must be 30m²; and
 - (ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it, or
 - (b) a stable which does not comply with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material;
 - (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 121;
 - (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
 - (v) lighting and ventilation opening totalling at least 0.15 m² per goat or sheep must be provided.
- (2) No person may keep goats or sheep in an enclosure or stable within -
- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
 - (b) 50 metres of any water resources or water supply intended or used for human consumption.

- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

Duties of keeper of goats and sheep

101 Any person who keeps goats or sheep must -

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.
- (g) Take adequate measures to keep the premises free of pests and to prevent offensive odours arising from the keeping of goats and sheep.

Part 4: Keeping of poultry

Application

102. The provisions of sections 103(d), (f), (g) and 104(e), do not apply to any person keeping ten or less poultry.

Permit requirement

103. No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorizing that activity.

Requirement for premises

104. No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;
 - (iv) the minimum floor area must be -
 - (aa) 0,20 m² for each grown fowl, duck, muscovite duck or guinea fowl;
 - (bb) 0,5 m² for each grown goose, turkey or peacock; and
 - (cc) 0,14 m² for each grown pigeon; and
 - (v) the minimum aggregate floor area must be 4m²;
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system –

- (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (ii) If walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health practitioner, the floor surface must be graded and drained by means of a channel drained in terms of section 121;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (v) the cages of the battery system must be made of an impervious material; and
 - (vi) if required by an environmental health practitioner, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
- (i) any dwelling or other building or structure used for human habitation; and
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom,
- (g) adequate washing facilities must be provided for the cleaning of the cages;
- (h) If required by an environmental health practitioner, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (i) A roofed platform constructed of concrete or other impervious material;
 - (ii) the platform's outside edges must have a minimum curb of 100 mm high;
 - (iii) the platform must be graded and drained in terms of section 121; and
 - (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

Duties of keeper of poultry

105. Any person who keeps poultry must-

- (a) ensure that all poultry is kept within a poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (g) place the manure and other waste matter in manure storage receptacles;

- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (i) take adequate measure to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5: Keeping of rabbits

106. The provisions of section 107(b), (c), (d), (f) and (g), and 108(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

Permit requirement

107. No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorizing that activity.

Requirements for the premises

108. No person may keep rabbits in premises which do not comply with the following requirements:
- (a) In relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be -
 - (aa) constructed of concrete or other impervious material brought to a smooth finish;
 - (bb) situated at least 150 mm above ground level, and
 - (cc) graded to a channel drained in terms of section 143, if required by an environmental health practitioner,
 - (iii) adequate ventilation must be provided; and
 - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
 - (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
 - (c) in relation to a building or structure housing a battery system -
 - (i) every wall must -
 - (aa) be at least 2,4 meters high;
 - (bb) be constructed of concrete, stone, brick or other durable material; and
 - (cc) must have a smooth internal surface;
 - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health practitioner, the floor surface must be graded to a channel drained in terms of section 121;
 - (iv) if no walls are provided, or walls are made of metal, the floor must be provided with curb at least 150 mm high around its outside edges; and
 - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
 - (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing battery system;
 - (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -

- (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed, and
- (g) adequate washing facilities must be provided for the cleaning of cages.

Duties of keepers of rabbits

109. Any person who keeps rabbits must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests,
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premise; and
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create public health nuisance.
- (h) take adequate measures to keep the premises free of pests.

Part 6: Keeping of birds other than poultry

Requirements for the premises

110. No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirement:
- (a) the aviary must be constructed of durable rodent-proof material;
 - (b) adequate access must be provided for cleaning purpose;
 - (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
 - (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
 - (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

Duties of keepers of aviaries

111. Any person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent-proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

Requirements for premises

112. No person may use premises as kennels or cattery except in terms of a permit authorizing that activity and unless the premises comply with the following requirements:
- (a) every dog or cat must be kept in an enclosure which complies with the following requirements:
 - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
 - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
 - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
 - (b) subject to the provisions of paragraph (c) every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
 - (i) every wall must be made of brick, stone, concrete or other impervious material;
 - (ii) every wall must have a smooth internal surface;
 - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (iv) every shelter must have adequate access for cleaning and eliminating pests;
 - (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
 - (i) the kennel must be constructed of an approved weatherproof and insulating material or other similar material;
 - (ii) the kennel must be movable;
 - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
 - (d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
 - (e) the apron must be graded and drained in a way that drains storm water away for the enclosure;
 - (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
 - (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
 - (h) no shelter, enclosure or kennel may be situated within five metres of any –
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

Food preparation areas

113. Any keeper of kennels or cattery who is so instructed by an environmental health practitioner must provide a separate room or roofed area for the preparation of food which complies with the following requirements:
- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
 - (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
 - (c) adequate washing facilities for food bowls and utensils must be provided; and
 - (d) a rodent-proof storeroom must be provided for the storage of food.

Duties of a keepers of kennels or catteries

114. Any person operating kennels or a cattery must -
- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
 - (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
 - (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
 - (e) store all loose food in receptacles, with close fitting lids, in the food store;
 - (f) provide adequate refrigeration facilities to store perishable foods on the premises;
 - (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
 - (h) keep any sick dog or cat isolated from any other animals; and
 - (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
 - (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

Requirements for premises

115. No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:
- (a) Any wall and partition must -
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish:
 - (b) all floors surface must be constructed of concrete or other impervious material brought to a smooth finish;
 - (c) all ceilings must be dust proof and easily cleanable;
 - (d) at least one wash hand basin, with a supply of running hot and cold potable water must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15
 - (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 121;
 - (f) adequate storage facilities must be provided;
 - (g) facilities for the washing of cages, trays and other equipment must be provided in the form of ether -
 - (i) a curbed and roofed over platform with a minimum surface area 1,5m² , raised at least 100 mm above the floor and constructed of concrete or

- other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
 - (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 121;
 - (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to minimum height of 1,4 metres above the floor;
 - (j) a clearly designated change room must be provided if more than six persons are employed on the premises and every change room must –
 - (i) have a floor area providing at least 0,5m² for each employee;
 - (ii) have a minimum overall floor area of 6m² and width of two metres; and
 - (iii) be equipped with an adequate metal locker for each employee;
 - (k) if no change room is required in terms of paragraph (j) each employee must be provided with an adequate metal locker;
 - (l) for the purposes of washing, clipping or grooming of pets –
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 121;
 - (m) all buildings, including storage areas, must be rodent-proof; and
 - (n) the premises may not have direct internal access with any room or place –
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption

Duties of pet shop or pet parlour keepers

116. Any keeper of a pet shop or pet parlour must -

- (a) provide cages for housing the pets which comply with the following requirements:
 - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (iii) the cages must be able to be moved easily;
 - (iv) where rabbits are kept in a cage, the metal floor –tray referred to in subparagraph (i), must be drained to a removable receptacle;
 - (v) the cages must be fitted with a drinking vessel filled with water;
 - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (vii) the cages must be kept a minimum of 450 mm above floor level, and
 - (viii) the space below every cage must be unobstructed;
- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 137 (f)
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;

- (d) ensure that in any room in which the pets are kept –
 - (i) 50% of the floor space is unobstructed; and
 - (ii) the cages are placed a minimum of 800 mm from one another;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet parlour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (J) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

Requirements for the premises

117. No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:
- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
 - (i) the enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (ii) the enclosure and/or housing may not be situated within 50 metres of –
 - (aa) any boundary of the premises;
 - (bb) any dwelling, building or structure used for human habitation;
 - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (dd) any water resource intended for domestic consumption;
 - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (iii) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance,
 - (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 143, must be provided for the preparation of food;
 - (c) adequate facilities must be provided for washing any cages, trays, crate, refuse receptacles and food containers in the form of either –
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
 - (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 121;
 - (e) any area and room in which fodder and food are stored must be rodent-proof; and

- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

Duties of keepers of wild animals

118. Any person who keeps wild animals must -

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

Part 10: Keeping of pigs

Requirements for premises

119 No person may keep pigs on premises which do not comply with the following requirements

- (a) Every wall must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 metres; and
 - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6m²;
- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (i) be situated opposite one another in the external walls, and
 - (ii) provide a minimum of 0,15 m² for each pig;
- (e) the floor must be –
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded for the run-off liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must -
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of section 121;
- (g) the pigsty must be strong enough to prevent the pigs breaking out,
- (h) the pigsty may not be situated within 100 meters of –
 - (i) the boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for -

- (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purpose, must be provided in or adjacent to the pigsty.

Duties of keepers of pigs

120. Every person keeping pigs must -

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;
- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 141 (j);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: Keeping of pets

Duties of keepers of pets

121. Any person who keeps pets must -

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any premises at adequate intervals;
- (c) prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid

Part 12: General provisions

Drainage

122. Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards

Requirements for keeping of bees

123. (1) No person may keep bees on any premises unless –

- (a) that person is the holder of a permit authorizing that activity; and
- (b) every bee hive is situated –
 - (i) a minimum of five metres from any boundary of the premises; and
 - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;

- (c) the bees are kept in a approved bee hive, and
 - (d) the bee hive is –
 - (i) kept in an area inaccessible to children and animals;
 - (ii) kept in the shade at all times; and
 - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

Illness attributable to animal, poultry or birds

124. (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be report to an environmental health practitioner within 24 hours of diagnosis, by the person making the diagnosis.
- (2) An environmental health practitioner may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

Keeping of and slaughtering animals for religious and ceremonial purposes

125. (1) A person intending to slaughter an animal in any place other than in recognizes abattoir must
- (a) notify the Council in writing, fourteen days prior to the event; and;
 - (b) submit prior written permission from the owner, tenant or person in control of the land where such a slaughtering will occur if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land; if the applicant is the owner, proof of ownership must be submitted with the application.
 - (c) obtain prior written permission from Council to conduct such a slaughtering.
 - (d) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
 - (e) use the meat derived from the slaughtered animal solely for the purpose of the religious or ceremonial feast;
 - (f) handle the meat in a hygienic manner at all times;
 - (g) dispose of any portions, faecal deposits and blood of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
 - (h) not keep such animal prior to slaughtering for a period in excess of 12 hours;
 - (i) ensure that the animal does not cause a noise nuisance or disturbing noise whilst being kept for slaughter or being slaughtered.
- (2) A person intending to slaughter an animal for religious and/or ceremonial purposes may require the service of an environmental health practitioner for post-mortem examination of the slaughtered animal at a cost determined by Council from time to time.

CHAPTER 15**CARAVAN PARKS AND CAMPING GROUNDS****Definitions**

126. For the purposes of this chapter, unless the context otherwise indicates

“approved” means approved by the Council, regard being had to the reasonable public health requirements of the particular case:

“camp” or “camping” means the erection or use of a temporary or movable structure for the purpose of human occupation, including tents but excluding non-folding caravans;

“camping ground” means an area of land on which accommodation is provided for camping purposes, whether or not a charge is made for such accommodation;

“camp site” means an area or plot of ground within a camping ground for the accommodation of camper’s party:

“camper’s party” means a party of not more than six persons;

“caravan” means a vehicle, with or without means of self-propulsion, designed and permanently constructed for sleeping or dwelling purpose, or both, intended for travel, recreation and vocational purposes and having no foundation other than wheels which may be supplemented by stabilizing jacks. (Park Homes or any other similar structure or vehicles not normally permitted without a special permit are from this definition).

“caravan park” means an area of land on which accommodation is provided for three or more caravans, whether or not a charge is made for such accommodation:

“caravan site” means an area or plot of ground within a caravan park for the accommodation of a caravan and its towing vehicle, if any;

Requirements for Premises

127. (1) For each caravan or camp site there shall be provide a clearly demarcated and numbered level area of not less than 120 m² with a minimum width of 10m.
- (2) In addition to the area required in terms of sub-section (1), there shall be provided, for recreational purposes, an area equal to at least 25% of the gross usable area of the caravan park or camping ground.
- (3) Roadways not less than 5m in width, with a hardened surface, shall be provided so as to afford vehicle adequate access to all caravan or camp sites under all weather conditions, and such roads shall afford free access to a public road.
- (4) The caravan park or camping ground shall be properly and attractively laid out and landscaped, and it shall be a condition that the plan as approved by the Council shall be adhered to in every detail by the licensee.
- (5) Approved direction signs, indicating the water closets, urinals, ablution and other facilities required in the caravan park or camping ground in terms of these by-laws, shall be placed at approved points.
- (6) A fence not less than 2m high and meeting with the approval of the Council shall be provided to enclose the entire area of the caravan park or camping ground.

- (7) The entrance to the caravan park or camping ground, roadways, paths, water closets, urinals, ablution and other facilities, and fire fighting and first aid points, shall be adequately illuminated during the hours of darkness.
- (8) An adequate and constant supply of potable water, shall be available and one permanent stand pipe shall be provided in a convenient position for every four caravan or camp sites, and under every stand pipe tap there shall be a gully trap set in a dished and properly rendered surround and connected to an approved drainage system.
- (9) All bath, showers and wash hand basins shall be provided with an adequate and constant supply of hot and cold running water and shall be fitted with waste pipes suitably trapped and discharging over and into an external gully connected to an approved drainage system.
- (10) Every bathroom or shower cubicle shall have a door which is lockable from the inside and shall be provided with a built-in soap dish. In addition, every bathroom shall be provided with a seat and a wall hook or towel rail of at least 600 mm and every shower cubicle with a disrobing area suitably screened from the shower, a seat and a wall hook or towel rail of at least 600 mm.

Sanitary Facilities

128. The following separate water closet and urinal accommodation shall be provided.

- (1) *Males:* A minimum of one water closet and 750 mm of urinal space for every eight caravan or camp sites or part thereof. The bucket and channel of the urinal shall be of stainless steel or other approved material.
- (2) *Females:* A minimum of two water closets and thereafter an additional water closet for every six caravan or camp sites or part thereof in excess of twelve sites. A bin with a self-closing lid shall be provided in each water closet.
- (3) The internal wall surface of all bathrooms, shower cubicles and water closets shall be painted with a light coloured oil paint or shall be provided with a wall covering of an approved material.
- (4) All water closets, urinals, ablution and other facilities shall be suitably designated and the entrances in the water closets, urinals and ablution facilities shall be screened from public view.
- (5) An approved slop sink unit with an adequate and constant supply of cold running water shall be provided for caravanners and campers where chemical toilets receptacles shall be emptied and cleaned. The unit shall be installed within a separate compartment adjacent to an ablution block with access thereto for both sexes. The floor of such compartment shall be graded and drained to an approved drainage system.
- (6) For every twenty caravan or camp sites or part thereof for the uses of caravanners or campers, a screened or enclosed drying yard and a laundry room equipped with a double bowl stainless steel laundry trough and an ironing board or table shall be provided. The laundry trough shall be provided with an adequate and constant supply of hot and cold running water and fitted with waste pipes suitably trapped and discharging over and into an external gully connected in an approved drainage system. An earthed 15 ampere socketed outlet for a three-pin plug shall be fitted in the laundry room.
- (7) For every twenty caravan sites or part thereof and for every ten camp sites or part thereof, there shall be provided under a roofed area, on an approved impervious floor, which shall be graded and drained to an approved drainage system, a double compartment wash-up sink unit for the washing of caravanners or camper's culinary utensils.

CHAPTER 16

EXHUMATIONS

Application to exhume a body or body ashes

129. Any person who intends to exhume or cause to exhume a body or body ashes shall comply with sections 28 and 30 of Chapter 6 of the Lesedi Local Municipality Cemetery and Crematorium By-laws.

Exhumation requirements

130. The Director Municipal Health Services shall grant authorization for an exhumation to be conducted subject to compliance with the following requirements:
- (1) Handling of the mortal remains must be done by a registered undertaker.
 - (2) All persons engaged in the physical exhumation shall be provided with approved protective clothing such as durable hand gloves, overalls, gumboots and aprons of durable material and nose and mouth mask.
 - (3) An effective, approved disinfectant to be provided and effectively used to disinfect during and after exhumation.
 - (4) After exposing the coffin, and/or body remains, such coffin, body remains and soil surrounding it shall be effectively disinfected.
 - (5) If the coffin is still in a good state of repair it must not be opened and must be placed in a suitable container immediately after exhumation.
 - (6) if the deceased has not been buried in a coffin, or if the state of decomposition of the coffin and the remains render compliance with sub-section (5) impossible, the remains and the content of the grave must be placed in a suitable container immediately after exhumation.
 - (7) All used disposable protective clothing to be placed into refuse bags and be disposed of in an approved manner.

CHAPTER 17

OPERATION AND MANAGEMENT OF INGOMA – INITIATION SCHOOL

131. Definitions

- (1) “Abduction or kidnap” means taking a person forcefully without his consent or in the case of a minor without the consent or permission from parents or guardian.
- (2) “Circumcision” means the surgical removal of the foreskin including any external genitalia by traditional practitioner, medical practitioner or any person registered as such.
- (3) “Culture” means a traditional way of doing things and shall include habits, norms, mores, ethics and values.
- (4) “Health Officer” means a person who holds such qualifications which entitles him/her to be registered as a medical practitioner, or environmental health practitioner or nursing personnel and appointed to exercise the provision of these guidelines according to their professional practices.
- (5) “Initiate” means a person who has been admitted in the circumcision or initiation school for the purpose of being circumcised.

- (6) "Ngoma or Koma" means a cultural institution or place where circumcision is carried out and registered in terms of this document and circumcision school shall have the corresponding meaning.
- (7) "Police Officer" means any person appointed by the South African Police Service or the Council as a police or peace officer.
- (8) "Overseer" means a person who looks after initiates.
- (9) "Traditional Surgeon" means a traditional healer who performs the circumcision and includes any person who has been trained to do so and complies with the necessary requirements.
- (9) "Traditional Surgeon" means a traditional healer who performs the circumcision and includes any person who has been trained to do so and complies with the necessary requirements.

Reporting and registration of a Ngoma – Initiation school

132. (1) An accredited person who intends opening a Ngoma – Initiation School for the purpose of circumcision, shall submit a written application to the Council accompanied by a Certificate of Compliance completed by an Environmental Health Officer employed by Council.
- (2) The Council shall upon receipt of such a letter of intention to operate a Ngoma – Initiation School, issue the prescribed consent form as reflected in Annexure 2 and Annexure 3.
- (3) Such consent form shall be completed and submitted to the Council within a reasonable period not exceeding thirty days prior the commencement of a Ngoma – Initiation School. No Ngoma – Initiation School will commence before due process to inform the council have been acknowledge by the Council.

The Environmental Health Practitioner in the employment of the Council shall issue the applicant with a list of requirements which must be complied with before a registration certificate can be issued. (as reflected under schedule 3)

- (4) The environmental Health Practitioner shall after conducting an inspection of the proposed Ngoma grant a registration certificate conditionally or unconditionally.
- (5) A registration certificate shall be issued if minimum requirements pertaining to water, shelter and sanitation have been complied with.
- (6) No person shall open, operate or conduct any activity pertaining to the operation and management of a Ngoma – Initiation School without being registered with the Council.

Permission to conduct a Ngoma – Initiation school

133. Any medical practitioner, or traditional health practitioner and/or any person or traditional surgeon authorized in writing as competent by the Council may conduct male circumcision.

Admission to a Ngoma – Initiation School.

- 134 (1) Any male person who is eighteen (18) years of age or above may be admitted to a Ngoma – initiation School.
- (2) The parent or guardian of any male initiate who is below the age of eighteen (18) years must give a written consent before the male initiate being admitted to a Ngoma - Initiation School (See Annexure 2 for the prescribed consent form).

- (3) Any male person below the age 18 years, who submits himself to a Ngoma – Initiation school without the parent's consent, shall be detained temporarily before being admitted to a Ngoma – Initiation School.
- (4) The Council shall be informed accordingly and shall in turn receive the consent of the parents or guardians.
- (5) No person may abduct or kidnap any person to a Ngoma – Initiation School.
- (6) Any person who abduct or kidnaps any person to a Ngoma – Initiation School, shall be charge by the police officers for criminal acts.

Closure of an Ngoma – Initiation School

135. The Council may close any Ngoma which has been operating without being registered with the Council.

Establishment of a Ngoma – Initiation School advisory committee

136. (1) The Council shall establish a Ngoma – Initiation School advisory committee within its area of jurisdiction which shall receive all appeals and ensure the smooth management of the Ngoma – initiation schools.
- (2) The advisory committee may advise the Council to close any Ngoma – Initiation School if in its opinion the initiates' health is at risk.
- (3) Each of the following affected stakeholders shall have at least one representative on the initiation advisory committee:-
- (a) Medical, nursing, environmental health and emergency medical services.
 - (b) The South African Police.
 - (c) The Traditional Healers Association.
 - (d) The Department of Education.
 - (e) The civic association.
 - (f) The association for Ngoma fraternity.
 - (g) The local hospital.

Duties of a traditional surgeon at a Ngoma – Initiation School

137. (1) The traditional surgeon shall ensure that the initiates submit a premedical examination certificate prior to being admitted to a Ngoma – Initiation School. The certificate shall state clearly that the initiate is free from any medical condition which may cause unnecessary complications after the circumcision.
- (2) Any authorized traditional surgeon may conduct a Ngoma – Initiation School and shall immediately after that take the necessary measures to stop bleeding.
- (3) The traditional surgeon shall thereafter treat the initiates with medicines as recommended by the medical practitioner to stop unnecessary bleeding and to prevent any possible sepsis.
- (4) The removed body parts (e.g. foreskins) shall be disposed of as may be approved by an Environmental Health Practitioner.
- (5) The instruments used for circumcising must be used once per initiate unless sterilized accordingly.

Duration of a Ngoma – Initiation School.

138. (1) A Ngoma – Initiation School shall be conducted for a period of three to four months to allow healing.

- (2) A school calendar of the Department of Education shall be followed in the event that school –going initiates under the age of eighteen are admitted in a Ngoma and shall be conducted during the school holidays unless initiates are not in attendance of any formal education.

Treatment of initiates

- 139 (1) No initiate shall be subjected to any unnecessary suffering or punishment of any nature.
- (2) A Ngoma – initiation School teacher or any person are free to teach the initiates the Ngoma language, idioms and poems without any form of intimidation or interrogation.
- (3) No initiate shall be refused any water or food to the extent that it may result in starvation or dehydration.
- (4) Adequate sanitary facilities shall be provided for the initiates.
- (5) Initiates must be protected against extreme temperatures especially cold during winter.
- (6) Initiates who appear to be developing septic wounds shall be referred to the medical practitioner for further treatment.
- (7) A Ngoma – Initiation School shall identify at least one medical practitioner of their choice who shall assist them for referral purposes and in case of an emergency.

Cultural ethics and inspection of a Ngoma – Initiation School

- 140 (1) The Council, South African Police Service, and where necessary the Department of Education shall identify one or more persons with a medical, nursing or environmental health, background who are well conversant with the proceedings at a Ngoma to conduct regular visits to a Ngoma – Initiation School.
- (2) The health officer, medical officer or nurse shall during their visits take into consideration the environmental hygiene, medical and nursing aspects of a Ngoma – Initiation School and general health conditions of the initiates.
- (3) Such officers shall at all times keep themselves well informed or up to date with proceedings of a Ngoma – Initiation School to avoid any conflict which may arise.
- (4) Any matter which in the discretion of the said officer or nurse contravenes these By-laws shall be reported to the relevant authority.
- (5) No circumcision on females of any description shall be performed within the area of jurisdiction of the Council.

CHAPTER 18

AIR POLLUTION CONTROL

PART I

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

Definitions

141. In this chapter, unless the context indicates otherwise-

“adverse effect” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant,

“air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“air pollution” means any change in the composition of the air caused by smoke, soot, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, aerosols, and odorous substances.

“atmosphere” means air that is not enclosed by a building, machine, chimney or other such structure;

“authorized person” means any person authorized by the Council to implement any provision of this by-laws;

“best practicable means” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“compressed ignition powered vehicle” means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

“dark smoke” means:

- a) in respect of Part IV and V of this chapter, smoke which when measured using, a light absorption meter or obscuration measuring equipment has an obscuration of 20% or greater,
- b) in respect of Part VI of this chapter
 - (i) smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charge compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more, or
 - (ii) smoke which has a light absorption coefficient of more than 2.125m^{-1} , provided that in relation to emissions from turbo-charge compressed ignition powered engines, it means a light absorption coefficient of more than 2.5m^{-1} .

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements:

“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 (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;

“free acceleration test” means the method described in section 17(2) employed to determine whether vehicles are being driven or used in contravention of section 15(1);

“fuel-burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney:

- (a) designated to burn or capable of burning liquid, gas or solid fuel;
- (b) used to dispose of any material waste by burning; or
- (c) used to subject liquid, gas, or solid fuel to a process involving the application of heat;

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses’

“city manager” means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“nuisance” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of any person or living organism; or
- (b) the use and/or enjoyment by an owner or occupier of his or her property and or environment:

“obscuration: means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

“open burning” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“operator” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“proclaimed township’ means any land unit zoned and utilized for residential purposes;

“person” means a natural person or a juristic person;

“premises” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structure and any locomotive, which operates or is present within the area under the jurisdiction of the Council.

“public road” means a road which the public has the right to use;

“smoke” means the gases, particulate matter and product of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“vehicle” means any motor car, motor carriage, motor cycle, bus, motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

PART II

DUTY OF CARE

Person causing air pollution

142. (1) any person who is wholly or partially responsible for causing significant air pollution or creating a risk of significant air pollution occurring must take all reasonable measures:
- (a) to prevent any potential significant air pollution from occurring; and
 - (b) to mitigate and, as far as reasonably possible, to remedy any significant air pollution that has occurred.
- (2) The Council may, by resolution direct any person who fails to take measures required under subsection (1) -
- (a) to investigate, evaluate and assess the impact of specific activities and report thereon;
 - (b) to commence taking specific reasonable measures before a give date;
 - (c) to diligently continue with those measures;
 - (d) to complete them before a specified reasonable date; and
 - (e) Prior to making such resolution Council must give affected persons adequate opportunity to inform them of their relevant interests and to consult with any other organ of state.
- (3) Should a person fail to comply, or inadequately comply, with a directive under subsection (2), the Council may take reasonable measures to remedy the situation referred to in the directive.
- (4) Provided that if such person fails to take the measures required of him or her under subsection (1), the Council may recover all reasonable costs incurred as a result of it acting under subsection (3) from any of all of the following persons -
- (a) any person who is or was responsible for, or who directly or indirectly contributed to , the air pollution or the potential air pollution;
 - (b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;
 - (c) the person in control of the land or any person who has or had a right to use the land at the time when -
 - (i) the activity or the process in question is or was performed or undertaken; or
 - (ii) the situation came about; or;
 - (d) any person who negligently failed to prevent -
 - (i) the activity or the process being performed or undertaken, or;
 - (ii) the situation from coming about.
- (5) If more than one person is liable under subsection (4), the liability may be apportioned among the persons concerned according to degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1) and (2).

PART III

SMOKE EMISSIONS FORM PREMISES OTHER THAN DWELLINGS

Application

143. For the purpose of this Part, "premises" does not include dwellings.

Prohibition

144. (1) Subject to subsection (2), dark smoke shall not be emitted form any premises

for an aggregated period exceeding three minutes during any continuous period of thirty minutes.

- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.
- (3) If dark smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

Installation of fuel-burning equipment

145. (1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.
- (2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purpose of this section, by the Council shall be presumed until the contrary is proved to comply with the provisions of subsection (1)
 - (3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
 - (a) the owner and occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence;
 - (b) the Council may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

Operation of fuel-burning equipment

- 146 (1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 145(1).
- (2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1)
 - (a) the owner and occupier of the premises and operator of the fuel-burning equipment shall each be guilty of an offence;
 - (b) The Council may on written notice to the owner and occupier of the premises:
 - (i) revoke its authorization under section 145(1); and
 - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

Presumption

147. In any prosecution for an offence under section 146 dark smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of dark smoke, unless the owner, occupier or operator, as the case may be, shows that no dark smoke was emitted.

Installation and operating of obscuration measuring equipment

148. (1) An authorized person may give notice to any operator of fuel-burning equipment

or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if:

- (a) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
 - (b) unauthorized and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
 - (c) fuel-burning equipment has been or is intended to be installed on the relevant premise which is reasonably likely in the opinion of an authorized person to emit dark smoke;
 - (d) the person on whom the notice is served has been convicted more than once under this Part III and has not taken adequate measures to prevent further contravention of the provisions of this Part; or
 - (e) the authorized person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard to human health or the environment.
- (2) A notice referred to in subsection (1) must inform the person to who it is addressed of:
- (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which such must be done;
 - (b) that person's right of appeal under section 162;
 - (c) that person's right to request written reasons for issuing of the notice; and
 - (d) the measures that must be taken and the potential consequences if the notice is not complied with.

Monitoring and sampling

149. (1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 150(1) must;
- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
 - (b) if requested to do so by an authorized person, produce the record of the monitoring and sampling results for inspection, and
 - (c) if requested to do so by an unauthorized person, provide a written report (in a form and by a date specified by the authorized person) of part or all of the information in the record of the monitoring and sampling results.

Exemption

150. (1) Subject to section 165 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the Council may grant a temporary exemption in writing from one or all the provisions of this Part.
- (2) Any exemption granted under subsection (1) must state at least the following:
- (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reason for granting the exemption;
 - (c) the conditions attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.

PART IV**SMOKE EMISSIONS FROM DWELLINGS****Restriction to emission of dark smoke**

151. (1) Subject to section 146(2), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.
- (3) Subject to section 188 and on application in writing by the owner or occupier of any dwelling, the Council may grant a temporary exemption in writing from one or all of the provisions of this Part.

PART V**EMISSIONS CAUSED BY OPEN BURNING****Open burning of material on any land**

152. (1) Subject to subsection 4, any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with the person requesting authorization must comply, has been obtained.
- (2) The Council may not authorize open burning under subsection (1) unless it is satisfied that the following requirements have been adequately address or fulfilled:
- (a) the material will be open burned on the land from which it originated;
 - (b) that person has investigated and assessed every reasonable alternative for reducing, reusing or recycling the material in order to minimize the amount of material to be open burned, to satisfaction of the Council;
 - (c) that person has investigated and assessed every reasonable alternative for removing the material for the land or premises, to the satisfaction of the Council;
 - (d) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;
 - (e) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region,
 - (f) the land on which that person intends to open burn the material is State land, a farm or smallholding, or land within a proclaimed township that is not utilized for residential purposes;
 - (g) the open burning is conducted at least 100 metres from any buildings or structure;
 - (h) the open burning will not pose a potential hazard to human health or safety, private property or the environment.
 - (i) That person has notified in writing the owners and occupiers of all adjacent properties of:
 - (i) all known details of the proposed open burning; and
 - (ii) the right of owner and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and
 - (j) the prescribed fee has been paid to the Council.

- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section shall not apply to:
 - (a) recreational outdoor barbecue or braai activities on private premises;
 - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or
 - (c) any other defined area or defined activity to which the Council has declared this section not to apply.

PART VI

EMISSION FROM COMPRESSED IGNITION POWERED VEHICLES

Prohibition

153. (1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (2) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.
- (3) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

Stopping of vehicles for inspection and testing

154. (1) In order to enable an authorized person to enforce the provisions of this Part, the driver of vehicle must comply with any reasonable direction given by an authorized person:
- (a) to stop the vehicle; and
 - (b) to facilitate the inspection or testing of vehicle.
- (2) Failure to comply with a direction given under subsection (1) is an offence.
- (3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorized person may:
- (a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:
 - (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
 - (b) conduct a visual inspection of the vehicle and, if the authorized person reasonably believes that an offence has been committed under section 153(2), instruct the driver of the vehicle, who is presumed to be the owner of the vehicles unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 155.

Testing procedure

155. (1) An authorized person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 153(1).

- (2) The following procedure must be adhered to in order to conduct a free acceleration test:
 - (a) when instructed to do so by the authorized person, the driver must start the vehicle, place it in neutral gear and engage the clutch;
 - (b) while the vehicle is idling, the authorized person must conduct a visual inspection of the emission system of the vehicle;
 - (c) when instructed to do so by the authorized person, the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle, provided that the authorized person may do so himself or herself if the driver fails or refuses to comply with the authorized person's reasonable instructions;
 - (d) while the throttle pedal is depressed, the authorized person must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke;
 - (e) the driver of the vehicle may only release the throttle pedal of the vehicles when the engine reaches cut-off speed, or when directed to do so by the authorized person.
 - (3) if, having conducted the free acceleration test, the authorized person is satisfied that the vehicles:
 - (a) is not emitting dark smoke, then the authorized person must furnish the driver of the vehicle with a certificate indicating that the vehicles is not being driven or used in contravention of section 153(1); or
 - (b) is emitting dark smoke, the authorized person must issue the driver of the vehicle with a repair notice in accordance with section 156.
156. (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (2) The repair notice must contain inter alia the following information:
 - (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and
 - (c) if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence under this Section if that person fails:
 - (a) to comply with the notice referred to in subsection (1)
 - (b) the re-test referred to in subsection (1).
- (4) It shall not be a defect in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

PART VII

EMISSIONS THAT CAUSE A NUISANCE

Prohibition

157. Any occupier or owner of premises from which a nuisance emanates, or where a nuisance exists, is guilty of an offence.

Abatement notice

158. (1) An authorized person may serve abatement notice on any person whom the authorized person reasonably believes is likely to commit or has committed an offence under section 159, calling upon that person:

- (a) to abate the nuisance within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance;
and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purpose of subsection (1), an authorized person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the abatement notice is to be served.
- (3) An abatement notice under subsection (1) may be served:
- (a) upon the owner of any premises, by:
 - (i) delivering it to the owner or if the owner cannot be traced or is living abroad that person's agent; or
 - (ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or
 - (iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;
 - (b) upon the occupier of the premises, by:
 - (i) delivering it to the occupier;
 - (ii) transmitting it by registered post to the occupier at the address at which the premises are situated.
- (4) Any person who fails to comply with an abatement notice served on that person in terms of subsection (1) is guilty of an offence.
- (5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary with an period determined by the court in order to prevent a recurrence of the nuisance.

Steps to abate nuisance

159. At any time, the Council may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

PART VIII

APPEALS

160. (1) Any person may appeal against a decision taken by an authorized person under this by-law by giving written notice of the appeal, in which the reason for the appeal are stated, to the city manager within 30 days of the date on which that person receive notification of the decision.
- (2) Pending confirmation, variation or revocation of decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Council provides otherwise:
- (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
 - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.
- (3) Within 14 days of receipt of the notice of appeal, the city manager must:

- (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
 - (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application, including any persons registered as interested and affected parties, are notified in writing of the appeal application and advised of their right to :
 - (i) obtain a copy of the appeal application;
 - (ii) submit written objections to the application to the city manager within 30 days of date of notification
- (4) After the expiry of the 30 day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
- (5) When the appeal is against a decision taken by -
- (a) an authorized person other than the city manager, then the city manager is the appeal authority or
 - (b) the city manager, then the Council or such committee as it may delegate is the appeal authority.
- (6) An appeal authority must commence with an appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.

PART IX

GENERAL PROVISIONS

161. (1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.
- (2) In the event of a conflict with the National Environment Management Air Quality Act, 2004 (Act 39 of 2004) the provisions of that Act will prevail within the area jurisdiction of the Council.

Offences and penalties

162. (1) Any person who contravenes section 151(2), 152(3), 153(2) or 157 of this by-law shall be liable of conviction to imprisonment not exceeding 30 days or to a fine or both a fine and imprisonment.
- (2) Any person who contravenes section 145(3), 146(2), 156(3)(a), 156(3)(b) or 158(4) of this by-law shall be liable of conviction to imprisonment not exceeding two (2) years or a fine or both a fine and imprisonment.
- (3) any person who contravenes section 157 of this by-law shall be liable on conviction to imprisonment not exceeding one (1) year or a fine or both a fine and imprisonment.
- (4) It is an offence to:
- (a) supply false information to an authorized person in respect of any issue pertaining to this by-law, or;
 - (b) refuse to co-operate with the request of an authorized person made in terms of this by-law and any person convicted of such offence shall be liable to imprisonment not exceeding 30 days or a fine or both a fine or imprisonment.

- (5) Where no specific penalty is provide, any person committing an offence in terms of this by-law is liable on conviction to imprisonment for a period not exceeding one (1) year or to a fine or both imprisonment and fine.
- (6) Failure to comply with a notice, direction or instruction referred to in this by-law constitutes a continuing offence.
- (7) Any person who commits a continuing offences shall be guilty of a separate offence for each day during which that person fails to comply with a notice, direction or instruction referred to in this by-law.
- (8) In addition to imposing a fine and/or imprisonment, a court may order any person convicted of an offence under this by-law:
 - (a) to remedy the harm caused;
 - (b) to pay damages for harm caused to another person or property, which order shall have the force and effect of a civil judgment; and
 - (c) to install and operate at person's own expense obscuration reading equipment in accordance with the provisions of section 150.

Exemptions

163. (1) The Council may grant a temporary exemption in writing from one or all of the provisions of Part III, IV and V, provided that the Council:
- (a) is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 144(1); and
 - (b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 144(1).
- (2) The Council may not grant an exemption under subsection (1) until the Council has:
- (a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;
 - (b) provide such person with a reasonable opportunity to object to the application, and
 - (c) duly considered and taken into account any objections raised.

CHAPTER 19

HEALTH CARE WASTE

164.

Definitions

In this Chapter, unless the context otherwise indicates –

“generator” means any person or institution which generates health care waste;

“genotoxic waste” means highly toxic waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cystotatic drugs, chemicals and radioactive material;

“hazardous waste” means waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics.

“health care waste means waste generated by

“health care general waste means that portion of health care waste which is not hazardous

“health care risk waste; means that portion of health care waste which is hazardous and includes infections waste, pathological waste, genotoxic waste, chemical waste, waste containing heavy metals, radioactive waste, and any other waste which is considered hazardous in terms of the Waste Management Series: Document 1: Minimum Requirements for the handling, classification and disposal of Hazardous Waste, 2nd Edition as published by the Department of Water Affairs and Forestry.

“waste containing heavy metals” means waste which includes, but is not limited to, mercury waste from thermometers, blood pressure gauges, residues from density, cadmium from batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic:

Separation at source and marking:

165. (1) Health care waste generators, transporters, treaters and disposers have a general duty of care in terms of these By-laws and any other relevant provincial and national legislation, to separate all health care risk waste at source and to handle, package, store and dispose of health care risk waste in a safe manner that poses no threat to human health or to the environment.
- (2) Without limiting the generality of the duty in subsection (1), generators must:
- (a) ensure that the generation of health care risk waste is minimized as far as possible at source
 - (b) separate health care waste into health care risk waste and health care general waste at point at which it is generated:
 - (c) store health care risk waste in purpose-manufactured, leak-proof, sealable containers and must ensure that such containers used to store sharps, razors, blades, needles and any other instrument which can cause cuts, punctures or injections, are rigid and puncture-resistant;
 - (d) ensure that the radioactive waste for which he/she is responsible, treated in accordance with the Hazardous Substances Act, 1973, (Act No. 15 of 1973)
 - (e) ensure that all the employees in their employ are adequately trained in the identification, separation, handling, storing of health care risk waste;
 - (f) take appropriate steps to ensure the health and safety of all the employees in their employ in terms of the Occupational Health & Safety Act;
 - (g) label all health care risk waste containers clearly in large, legible lettering with indelible ink with the following information:
 - (i) the name, address and contact telephone number of the generator
 - (ii) the words: DANGER – HEALTH CARE RISK WASTE; GEVAAR – GESONDHEIDSAFVAL, and INGOZI: INKUNKUMA YEZAMAYEZA and the international bio-hazard logo, and
 - (iii) the date on which the health care risk waste is removed from the premises of the generator.
 - (h) Prevent public access to health care risk waste containers which are in use;
 - (i) Store filled health care risk waste containers in controlled, secure areas which are reserved for the storage of health care risk waste;
 - (j) Make arrangements for the removal of health care risk waste from their premises and for the transportation of health care risk waste by a person who is registered in terms of section 168 of these By-laws as a transporter of health care risk waste;

- (k) Make arrangements for the disposal of the health care risk waste by a person/institution permitted to dispose of health care risk waste in terms of these By-laws of the Lesedi Local Municipality or any other applicable legislation.
- (3) Generators may apply to Council for permission to handle, store and otherwise deal with health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above
- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Generators may transport dispose of health care risk waste generated on their premises, provide they do so in terms of this By-law;
- (6) Generators must:
 - (a) Maintain an up-to-date written record of all health care risk waste generated and removed from their premises in a format from time to time prescribed by Council;
 - (b) Obtain written notification from the disposer of the health care risk waste that the health care risk has been disposed of and upon receiving such notification; indicate in their written record that the health care risk waste has been disposed of by mentioning the name of the disposer and the date of disposal;
 - (c) Provide copies of the record referred to in (i) and the information in (ii) to Council on a six-monthly basis or at any other frequency as may from time to time be prescribed by Council.

Duty of transporters

166. (1) Transporters must remove health care risk waste from the premise of the generator, transport, store and deliver such health care risk waste to a site at which it will be disposed of in manner which poses no threat to human health or the environment.
- (2) Without limiting the generality of the duty referred to in subsection (1), transporters must:
- (a) not remove the health care risk waste from the containers in which the generator placed it;
 - (b) transport and store the health care risk waste in such way that no member of the public can gain access to the health care risk waste or the containers in which it is stored;
 - (c) transport the health care risk waste in vehicles which:
 - (i) comply with all applicable legislation as from time to time promulgated by National government or the Provincial Government of Gauteng or in the absence of such legislation
 - (ii) are capable of containing the health care risk waste;
 - (iii) are designed to prevent spillage;
 - (iv) are constructed of materials which are easy to clean and to disinfect;
 - (v) are capable of being secured in order to prevent unauthorized access.
 - (d) deliver health care risk waste only to a person and site permitted to dispose of health care risk waste in terms of section 169
- (3) Transporters may apply to Council for permission to remove, transport, store and deliver health care risk waste in a manner which does not comply with the requirements as set out in subsection (2) above

- (4) The Council may in writing grant the permission referred to in subsection (3) subject to certain conditions.
- (5) Transporters may dispose of health care risk waste provided they do so in terms of these By-laws
- (6) Transporters must maintain a written record in respect of each collection and delivery of health care risk waste, which they must update simultaneously with each collection and delivery. The record must be in the format as prescribed from time to time by Council and must be kept for a period of three years from date on which the health care risk waste is delivered to the disposal site. Transporters must keep a copy of the said record in the vehicle used for the transportation of the health care risk waste.

Disposal of Health Care Risk Waste

- 167 (1) Health care risk waste may only be disposed of by a person
- (a) Who holds a permit to operate a hazardous waste site in terms of section 20 of the Environmental Conservation Act, 73 of 1989,
 - (b) Who complies to all the terms and conditions attached to such a permit.
- (2) A person permitted in terms of subsection (1) to dispose of health care risk waste must do so at the site at which the permit permits him or her to dispose of health care risk waste and may not dispose of health care risk waste at any other place.
- (3) Persons who dispose of health care risk waste must:
- (a) maintain an up to date written record as required in terms of the National Waste Information System and any additional information as may from time to time be required by the Council of all health care risk waste received and disposed of at the site;
 - (b) keep such records for a period of three years or for such a period as may be prescribed in terms of the guidelines provided for compliance to the National Waste Information System, whichever the shortest.

Duty to register

- 168 (1) Every generator must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to Council in the format prescribed from time to time.
- (2) Every transporter must register with the Council within 6 months of the coming into effect of these By-laws by completing and submitting a written notification to the Council in the format prescribed from time to time.
- (3) Generators and transporters must notify the Council of any changes to the information provided in terms of subsection (1) and (2) as soon as such changes take place.

Power of Environmental Health Practitioners

- 169 (1) Any environmental health practitioner in the employ of the Council may:
- (a) Enter sites and premises on which health care waste is being generated, handled, treated, stored or disposed of, or on which he or she suspects health care waste is being generated, handled, stored or disposed of,
 - (b) Gain access to vehicles on which health care waste is being contained or transported, or on which her or she suspects health care waste is being contained or transported.

- (2) Where an environmental health practitioner enters premises or a site or gain access to a vehicle in terms of subsection (1), he or she may, for the purpose of administering these By-laws, undertake any inspection or enquiry, including but not limited to:
- (a) inspecting premises, site or vehicle for the presence of health care risk waste;
 - (b) inspecting the manner in which health care risk waste is being, handled, stored, transported, treated or disposed of;
 - (c) requesting information regarding the health care risk waste from the person who is in charge of the health care risk waste or from the person in charge of the health care risk waste or from the person in charge of the premises, site or vehicle;
 - (d) examine extract or make copies of any health care risk waste records and request an explanation from the person in charge of the record, or from the person in charge of the site, premise or vehicle.

Offences:

170. Any person who contravenes any provision of the chapter or fails to comply with any notice given in relation hereto in terms of these By-laws, commits an offence.

CHAPTER 20**MISCELLANEOUS****Duties of Council:**

171. In addition to any other duty of Council in terms of this By-law or any other applicable legislation, the Council must within its area of jurisdiction:
- (a) enforce the relevant portions of this By-law
 - (b) carry out water quality monitoring at all potable, industrial and commercial water sources;
 - (c) perform food control inspections, enquiries, monitoring and observation;
 - (d) monitor waste management;
 - (e) undertake health surveillance of properties
 - (f) undertake surveillance and prevention of communicable diseases, excluding immunizations;
 - (g) undertake effective vector control measures;
 - (h) prevent environmental pollution;
 - (i) monitor activities related to the disposal of the dead, and
 - (j) ensure chemical safety,

Offence and penalties

172. (1) Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws; or
 - (b) fails to comply with any notice issued in terms of or for the purposes of these By-laws; or
 - (c) fails to comply with any lawful instruction given in terms of or purposes of these By –laws; or
 - (d) obstructs or hinders any authorized representative or employee of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and subject to subsection (2) below, liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of continuing offence, to a further fine not exceeding R500, or in default of payment to imprisonment not exceeding one day, for every day during 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.

- (2) Any person convicted of a contravention of the provisions of Chapter 19 is liable to a fine of an amount not exceeding R10,000 or imprisonment for a period not exceeding 1 year and in case of a continuing offence, to a further fine not exceeding R100 per day, or default of payment to imprisonment not exceeding one day, for every day during 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.

Serving of notices

- 173 (1) A notice, order or other document is regarded as having been properly served if –
- (a) it has been delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
 - (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at addressee's last known address;
 - (d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
 - (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
- (2) A notice, order or other document which may in terms of these By-laws be served on the owner of occupier of premises maybe addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

Application to the State

174. These By-laws bind the State, including the Council.

Repeal

175. The By-law listed in Schedule 3 are hereby repealed.

Short title

176. These By-laws are called the Lesedi Local Municipality Public Health By- laws.

SCHEDULE 1

PUBLIC HEALTH NUISANCE

General nuisance

1. An owner or occupier of premises creates a public health nuisance if he or she causes or allows-
- (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
 - (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth close, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;

- (c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- (g) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-close, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;
- (h) any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health;
- (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age' or
- (j) the accumulation of filth, debris rubbish, glass, paper, rags, tins, lumber and the growing or presence of weeds, long grass or undergrowth which is unsightly or is likely to become a nuisance or injurious to health or cause an annoyance to the inhabitants of the neighbourhood,
- (k) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the National Health Act, 2003 (Act 61 of 2003) or any other relevant health legislation.
- (l) Any other condition at or on a place or premises whatever, which in the opinion of Council is or can be detrimental, dangerous, inconvenient, offensive, injurious or dangerous to health, or which may in any other way cause a risk of disease, death or injuries.

Pest control

2. (1) An owner or occupier of premises creates a public health nuisance if –
 - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
 - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because –
 - (i) insufficiently rotted manure or any other organic material is being kept or used; or
 - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies
 - (c) mosquitoes can breed in significant number on the premises because -
 - (i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - (ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
 - (iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
 - (iv) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.

- (2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) -
- (a) draining accumulated water at least once every seven days;
 - (b) covering accumulated water with a larvicide at least once every seven days; and
 - (c) in the case of well, providing a mosquito-proof cover and a pump.

Air pollution

3. An owner or occupier of premises creates health nuisance if -
- (a) any waste on the premises is burned outside except in an approved appliance;
 - (b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;
 - (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or
 - (d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

Fouling and littering of public place and open spaces

- 4 (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water of flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, through fare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such place.
- (2) The person who has contravened sub item (1), must remedy, to the satisfaction of the environmental health practitioner, any damage to the environment which resulted from such contravention.

SCHEDULE 2

SCHEDULED USES

(Sections 1, 8, 9 and 11)

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

Part A: Activities for which a permit is required

Section	Activity
31	Provision of service to remove human excrement or urine
32	Installations of sewage works
46	Offensive trades
53	Hairdressing, beauty and cosmetology services
62	Accommodation Establishments

78	Child care services
104	Keeping of poultry
108	Keeping of rabbits
113	Dog Kennels and catteries
124	Keeping bees

**Part B: Scheduled
uses Chapter**

Schedule

d use

4	Sanitary services
5	Private Sewage Works
6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Dry Cleaning and Laundry Establishments
12	Swimming Pools and Spa-Baths
13	Child-care Services
14	Keeping of Animals
17	Operating and Managing an Initiation School for Boys

SCHEDULE 3:

REPEALED

BY-LAWS

This by-laws does not repeal any existing by-laws.

SCHEDULE 4

**MINIMUM REQUIREMENTS WHICH MUST BE COMPLIED WITH FOR
INITIATION SCHOOLS**

1. A suitable shelter must be provided and be constructed in such a manner that initiates are protected from extreme temperatures especially against cold weather conditions
2. Pure water supply should be supplied for drinking and cooking purpose for the initiates.
3. Suitable sanitary facilities in the form of well constructed pit latrine or movable

- chemical toilets should be provided for use.
4. All body parts removed should be disposed of in a hygienic manner.
 5. Refuse removal and disposal including used surgical instruments should be carried out as may be prescribed by Environmental Health Practitioner in the area namely incinerated.
 6. Food should be prepared hygienically and kept separate from any area used for sleeping purposes.
 7. Initiates should be given sufficient food at least twice a day and be allowed to drink water when necessary.
 8. Initiates should be allowed to wear warm clothes especially during cold weather.
 9. Instruments such as razor blades used for the operation should be used once only and any other instruments may be sterilized after each initiate as prescribed by the medical practitioner.
 10. The owner of the initiation school must identify at least one person from the medical profession to assist in case of emergency and for referral purposes.
 11. Prescribed medication to stop and prevent unnecessary bleeding must be readily available.
 12. A detention room for persons who came for circumcision without the consent of their parents or guardian.
 13. A register must be kept of all initiates in the circumcision school.
 14. A first aid kit which includes antiseptics medicines for treating minor ailments should be provided.

ANNEXURE 1

APPLICATION FOR A PERMIT

NAME OF APPLICANT:

.....

PHYSICAL ADDRESS:

.....

.....

POSTAL ADDRESS:

.....

.....

.....

.....

PERMIT APPLIED FOR:

.....

.....

.....

SIGNATURE:

.....

DATE:

.....

ANNEXURE 2**APPLICATION AND CONSENT FORM BY PARENT GUARDIAN**

I, _____ ID NO. _____ hereby

give consent and permit _____ Age _____ to
be circumcised and attend a Ngoma for the duration of the prescribed period of the school.

I further declare that I am the parent/guardian of the said applicant and I reside at the following address:

I can be contacted at the following telephone numbers in case of any emergency:

Work Tel No: _____

Cell No: _____

SIGNATURE: _____ DATE: _____

ANNEXURE 3

APPLICATION FORM FOR A PERMIT TO OPERATE

A NGOMA – INITIATION SCHOOL

A. NAME AND SURNAME OF APPLICANT: _____

SURNAME OF APPLICANT: _____

DOB/ID: _____

B. RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

C. PARTICULARS OF A NGOMA – INITIATION SCHOOL

PHYSICAL ADDRESS: _____

NUMBER OF INITIATES INTAKE: _____

PERIOD OF OPERATION: _____ MONTH TO _____ MONTH

SANITARY FACILITIES: _____

METHOD OF DISPOSAL OF BODY PARTS: _____

Note: This document has to be completed by the applicant and returned with the attached Form Annexure 3B (Certificate by Environmental health Practitioner) duly completed by an Environmental Health Practitioner in the employ of the Council.

ANNEXURE 3B

CERTIFICATE BY ENVIRONMENTAL HEALTH PRACTITIONER

I the undersigned:

_____ confirm as follows:

1. I am presently employed by the Lesedi Local Municipality as an Environmental Health Practitioner;

2. On _____ I inspected a certain terrain which was pointed out to me by the applicant as a proposed ngoma – Initiation School. The address of the site is:

3. I confirm that the terrain complies with the minimum requirements as contained in Schedule 4 of these By-laws.

Signed at _____ at this the _____ day of _____ 20 ...

Full Names:

Designation: Environmental Health Practitioner

ANNEXURE 4**STANDARD PRE-CIRCUMCISION MEDICAL EXAMINATION****PATIENT'S PARTICULARS**

NAME: _____

SURNAME: _____

DOB/ID: _____

RESIDENTIAL ADDRESS: _____

EXAMINATIONGENERAL – ANY ALLERGIES?
_____ANY BLEEDING TENDENCIES

ANAEMIA _____

JAUNDICE _____

LYMPHADENOPATHY _____

HEART _____

LUNGS _____

ABDOMEN _____

PSYCHIATRIC DISORDER _____

UROGENITAL _____

OTHER _____

I, _____

being a registered medical practitioner, certify that _____

is a male person of _____ years and is fit to be circumcised.

Date: _____

Signature: _____

Qualifications: _____

Practice number: _____

For office use

File:

Council Resolution:

Extra-Ordinary Gauteng

Provincial Gazette Number

Local Authority Notice Number

LOCAL AUTHORITY NOTICE 1607 OF 2015**POLICE SERVICES BY-LAWS****LESEDI LOCAL MUNICIPALITY**

In these By-laws, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the related Legislation, shall have a corresponding meaning in these By-laws.

ARRANGEMENT OF SECTIONS**Section****Chapter I**

1. Definitions.

Chapter II**Traffic**

1. Parking.
2. Medical Practitioners.
3. Turn with combination vehicles.
4. Cycles
5. Holding on to moving vehicles.
6. Riding on handle bars prohibited
7. Traffic signals.
8. Traffic notices and signs.
9. Games, throwing stones, etc.
10. Prevention of obstruction during public processions.
11. Closing of streets.
12. Street collections.
13. Ropes across street

14. Defacing, marking or Painting streets.
15. Escort of abnormal vehicles.
16. Charges for assistance with racing events, sporting events, processions and other gatherings in general.
17. Supermarket trolleys.
18. Shoeing, cleaning and repairing in streets.
19. Control of animals.
20. Keeping animals.
21. Gambling.
22. Sidewalks.
23. Littering and spillage.
24. Display of articles/clothing.
25. Openings and doors on streets.
26. Excavations and wells.
27. Removal of soil, sand, etc.
28. Sweeping premises adjoining streets.
29. Opening in kerbs.
30. Disturbance of the peace.
31. Indecency.
32. Cleanliness of streets and public places.
33. Trees.

Chapter III

Street Trading

51. Freedom to trade.
52. General conduct.
53. Prohibition on carrying on business.
54. Cleanliness.
55. Obstruction of pedestrians.
56. Obstruction of vehicular traffic.
57. Street trading license.
58. Delegated responsibility of persons carrying on business.
59. Impoundment / Removal / Disposal.
60. Signs indicating restrictions and areas.

Chapter IV

Parking Grounds

61. Vehicles of excessive size.
62. Miscellaneous.

Chapter V

Parking Attendants & Car Watchers

63. Prohibition.
64. Registration fee payable.
65. Garments and identification of parking attendants.

66. Requirements for conduct of parking attendants.

67. Cancellation or suspension of the authority as parking attendant.

Chapter VI

68. Penalties.

69. Tariffs.

Chapter VII

Annexures

Annexure 1.

Annexure 2.

Annexure 3.

Chapter I

1. Definitions

In this By Law, unless the context otherwise indicates:

“**affix**” includes painting onto and “**affixed**” shall have a corresponding meaning;

“**animal**” includes any horse, mare, gelding, foal, bull, ox, cow, bullock, steer, heifer, calf, mule, ass, lamb, sheep, goat, swine, ostrich, cat or dog;

“**animation**” means a process whereby advertisements’ visibility or message is enhanced by means of moving units, flashing lights or similar devices;

“**application to register**” means an application which is submitted by an organization to the Council for consent to operate and be registered as a parking attendant organisation within the Municipal area and which is made on the form (see annexure 10) that is obtainable from the Council and that materially corresponds to the form set out reflected in the Annexure in annexure 10;

“**approved**” means approved by the Council and “**approval**” has a corresponding meaning;

“**arcade**” means a covered pedestrian thoroughfare, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access;

“**arm**” means any arm as contemplated in the Firearms and Ammunition Act, Act 75 of 2000 as amended;

“**authorised emergency vehicle**” shall mean a vehicle of the Fire Department, South African Police Services, Lesedi Traffic Services and duly registered ambulances;

“**authorised officer**” means

(1) Lesedi Traffic Officials appointed under the NRTA, Act 93 of 1996;

(2) A peace officer as contemplated in section 334 of the Criminal Procedure Act, Act 51 of 1977;

(3) Any member of the South African Police Services as contemplated in the South African Police Services Act, Act 68 of 1995;

“**authorized official**” means any employee of the Council who is acting within the scope of his/her duties on behalf of the Council and who is in uniform or with distinctive badge and appointment certificate of his office;

“**authorised person**” means a person nominated by an organisation and authorised by the Council;

“**back light units (backlit)**” means advertising structures which house illumination in a box with through light through translucent advertising printed on plastic or heavy duty paper for a higher visibility and extended night viewing;

“**balcony**” means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper floor door or window;

“**banner**” means an advertisement displayed on plastic sheet, paper, mache or any similar pliable material or on calico or other woven material, attached to or suspended between two poles or other supports;

“**bib**” or “**jacket**” means a garment which fits around the chest of a person, which has recognisable insignia identifying the person as a parking attendant and which is approved by the Council;

“**billboard**” means any screen or board larger than 4m² supported by a free standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is commonly known as an advertising hoarding. The main function of a billboard is to advertise non-locality Bound products, activities or services;

“**blind**” means a vertical screen attached to shop windows or verandas in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use;

“**bridge**” means a bridge as contemplated in the National Road Traffic Act, Act 93 of 1996, as amended;

“**building**” means any structure whatsoever with or without walls, having a roof or canopy and a normal means of ingress and egress there under, covering an area in excess of 4,6m² and having an internal height of more than 1,65m;

“**Business Act**” means the Business Act, Act 71 of 1991 as amended;

“**ByLaw**” means a bylaw as contemplated in Part B of Schedule 5 read with section 156 (1)(a) of the Constitution of the Republic of South Africa Act, Act 108 of 1996,

“**cancel**” means to withdraw the authorisation granted by the Council to a holder of a permit in terms of this bylaw, and A cancellation has a corresponding meaning;

“**canopy**” means a structure in the nature of a roof projecting from the facade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

“**charge determined by the Council**” means the appropriate charge set forth in a bylaw made by the Council;

“**clear height**” means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below such sign;

“**composite sign**” means a sign linked to a standardized background of a specific size similar to a poster board on which logos or other tourist related information can be attached;

“**contract**” means the contract approved by the Council for the operation of a parking attendant organisation;

“**copy**” as contemplated in Chapter IV of this bylaw means the complete advertising message to be displayed on the advertising structure;

“**Council**” means the Lesedi Local Municipality as established in terms of Sect 12(1) read with Sect 14(2) of the Local Government Municipal Structures Act, Act 117 of 1998, as promulgated in notice no. 6768 of 2000, Gauteng Provincial Gazette no. 141, dated 1 October 2000 and includes the Executive Mayor, Mayoral Committee or any other authorised person, functionary or structure of the Council to whom has been delegated, the powers, functions and duties vesting in the Council in relation to this bylaw and “ **Lesedi Council**” shall have the same meaning;

“**cut outs/ embellishments/ addon**”

means letters, packages, figures or mechanical devices attached to the face of a sign which extend beyond the rectangular area for greater attention value, can provide a three dimensional effect;

“**day**” means the period between sunrise and sunset;

“**decal**” means a disc or other means of identification issued by the Council to a medical practitioner or the holder of a valid taxi permit;

“**demarcated parking place**” means a place referred to in Section 80A of the National Road Traffic Act, Act 93 of 1996, as amended and means a space laid out and marked in a public place, the time of occupation by which a vehicle is intended to be recorded by a parking meter;

“**demarcated space**” means a space within which a vehicle is to be parked in terms of this bylaw, demarcated by means of one or more white lines upon the surface of a parking ground or a floor thereof;

“**demarcated stand or stop**” means the stand or stopping place for a taxi as contemplated in Chapter III of this bylaw;

“**designated facility**” means a facility referred to in Chapter III of this bylaw;

“**donation**” means any amount of money that a driver gives to a parking attendant on a voluntary basis for services rendered by the parking attendant;

“**driver**” shall have the meaning assigned to it by the National Road Traffic Act, Act 93 of 1996, as amended;

“**election**” means either Parliamentary, Provincial or Local elections and by-elections held from time to time;

“**erf**” means any piece of land registered in a deed registry, an erf, lot, plot, stand or agricultural holding;

“**equipment**” means a baton, whistle, identification card and a voucher approved by the Council;

“**Examiner of vehicles**” means an examiner of vehicles registered and appointed in terms of Chapter II of the National Road Traffic Act, Act 93 of 1996, as amended;

“**facility**” means a structure designed to permit the display and selling of foodstuff and goods and a receptacle for the disposal of litter;

“**foodstuff**” means foodstuff as defined in Section 1 of the Foodstuff Cosmetics and Disinfectants Act, Act 54 of 1972;

“**footpath**” shall mean that portion or lateral extremities of the street which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“**garden**” means a garden or park to which the public has a right of access;

“**goods**” includes without detracting from the generality thereof goods, wares, water, sand, stone and merchandise of all kinds, including livestock;

“**hawkers**” means any person, agent or employee who carries on any trade or occupation for which a licence or permit is required in terms of the Business Act;

“**Inspector of licences**” shall have the meaning as contemplated in the National Road Traffic Act, Act 93 of 1996, as amended;

“**intersection**” means an intersection as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“**kerb line**” shall mean the boundary between the roadway and the footpath, usually indicated by means of a raised kerb;

“**litter**” includes any container or other matter, which has been discarded, abandoned or left behind by a person trading or by his or her customers;

“**Local Government Ordinance**” means, to the extent that they have not been repealed by Schedule 1 of the Rationalisation of Local Government Affairs Act (Gauteng), Act 10 of 1998, the Local Government Ordinance, Ordinance 17 of 1993 as amended and the Local Government Ordinance (Administrations and Elections), Ordinance 40 of 1960 as amended;

“**main wall of a building**” means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a veranda or a balcony;

“**Marshal**” means a person who arranges passenger and vehicle related procedures at taxi facilities;

“**Municipal area**” means the area placed under the control and jurisdiction of the Council;

“**Minister**” means the Minister of Transport;

“**month**” shall mean a calendar month;

“**motor vehicle**” means a motor vehicle as defined in Section 1 of the National Road Traffic Act, Act 93 of 1996, as amended;

“**movable temporary sign**” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

“**national monument**” means a building declared to be a national monument under the National Monuments Act, Act 28 of 1969;

“**night**” means the period between sunset and sunrise;

“**NRTA**” means the National Road Traffic Act, Act 93 of 1996 as amended;

“**operate on a public road**” or any like expression, in relation to a vehicle, means to use or drive a vehicle or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“**open fire**” means any way of making a fire, for whatever reason, where it constitutes a danger, nuisance or a disturbance to any other person in any public area;

“**organisation**” means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas approved by the Council;

“**owner**” in relation to a vehicle, means:

(1) The person who has the right to the use and enjoyment of a vehicle in terms of common laws or a contractual agreement with the titleholder of such vehicle;

(2) Any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and

(3) Any person who is registered as such in accordance with Section 14 of the NRTA (*see infra*);

“**park**” in relation to a public open space see “**garden**”;

“**park**” means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

“parking attendant” means a person in the employ of an organisation to render a parking attendant service to drivers in a public place or on a public road, and includes a car watcher;

“parking ground” means any area of land or any building set aside by the Council as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by this bylaw for the use thereof;

“parking period” means the period of time measured in hours or part thereof on any one day during which vehicles are permitted to park in a parking ground as prescribed by Council;

“particulars” means any form of information of any party and shall include the name, surname, company name, residential, business or email address, telephone, cellular or fax number or any other such information;

“passenger carrying motor vehicle” means a taxi or a bus used or designed to convey passengers for reward;

“passenger” means any person in or on a vehicle but shall not include the “driver” or the “conductor”;

“pavement” means a sidewalk as defined in Section 1 of the NRTA;

“pedestrian” shall mean any person afoot;

“permit” in relation to this bylaw means a document in which the Council authorises the holder to operate as a parking attendant and which contains the information reflected in on this By-Law of this bylaw;

any area or place set aside by the Council for the custody of vehicles;

“prescribed” means determined by the Council by special resolution from time to time;

“prohibited area” means any place declared or to be declared under Section 6A(2) of the Business Act by resolution of the Council to be an area in which street trading may be prohibited;

“property” in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or any structure used or intended to be used in connection with such business, and include goods in which he or she trades;

“province” means the Province of Gauteng established in terms of Section 103 of the Constitution of the Republic of South Africa, 1996;

“public road” means a public road as defined in Section 1 of the NRTA;

“public place” means any foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space and includes any public road;

“public building” means any building where the public has unrestricted access;

“rank” in relation to a taxi means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“Registering Authority” means a registering authority appointed under Section 3 of the NRTA ;

“residential area” means that portion of the area of a local authority, which has by actual survey been subdivided into erven or is surrounded by surveyed erven, and includes the public road abutting thereon;

“residential purposes” means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house and a residential club;

“right of entry” means the rights obtained in terms of Chapter III of this bylaw;

“road traffic sign” means any road traffic sign as prescribed in Section 56, NRTA, the detailed dimensions and applications of which are controlled by the South Africa Road Traffic Sign Manual;

“roadway” means a roadway as defined in Section 1 of the NRTA;

“**sell**” in relation to any park or public road, means any act of selling or supplying goods coupled with the intention, at the time of such selling or supplying, to continue such activity business has a corresponding meaning;

“**selling**” means to display goods for sale by inviting others to come and buy the goods so displayed, including supply to, carry on a business, has a corresponding meaning, and also exchange or hire, store, expose, offer or prepare for sale and sale has a corresponding meaning;

“**services**” includes the performance of any work or labour or the use of skill for the benefit of another for consideration or reward;

“**sidewalk**” means a sidewalk as defined in Section 1 of the NRTA and include the median of a public road;

“**skateboard**” means a device, which includes a mainly flat object mounted on wheels, which is designed in such a manner as to provide room only for one person to stand or squat and is as such propelled by means of either human power or gravitation or both;

“**stop**” in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time not longer that is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“**street**” means any street, road or thoroughfare shown on the general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vests in the Council;

“**supermarket trolley**” means any push trolley or push cart which is placed at the disposal of the public as buyers by any business undertaking or shop and which is used by the public to convey their purchases;

“**tariffs**” means fees approved by the Council in regards of the relevant legislation that should be applicable for the purpose of this bylaw;

“**town engineer**” shall mean the person appointed in the capacity of Town Engineer for the Council or his duly authorised person;

“**toy vehicle**” means a device designed, made or manufactured with the purpose for children to play with or to amuse themselves with, but excludes motorized vehicles designed to convey people, goods or both;

“**trade**” means selling of goods or the offering or rendering of services in a public road or public place and trading has a corresponding meaning;

“**trailer**” means a trailer as defined in Section 1, NRTA;

“**tricycle**”

means a three wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

“**vehicle**” means a vehicle as defined in Section 1 NRTA;

“**veranda**” means a structure in the nature of a roof attached to or projecting from the facade of a building and supported along its free edge by columns or posts;

“**verge**” means a verge as defined in Section 1 of the NRTA;

“**ward**” means a portion of a public place or public road of the Council that has been demarcated by the

Council to be allocated to an approved organisation for the purpose of providing a parking attendant service and

“**zone**” shall have a corresponding meaning;

“**zone**” see “**ward**”

Chapter II

Traffic

1. Parking

No person shall park a vehicle with a tare of 3 500 kg or more for a period exceeding one hour at any time after sunset and before sunrise on the roadway, verge or sidewalk of a street within a residential area.

2. Medical Practitioners

(1) The Council may exempt any medical practitioner from the provisions of any bylaw relating to the parking of a motor vehicle .

(2) The exemption contemplated in subsection (1) shall apply only where:

a) The motor vehicle concerned is parked to enable such medical practitioner to perform his professional duties at any place other than his/her consulting room.

c) The Medical Practitioner exempted in terms of the provision of this By-Law shall always display a decal that indicate that he is at that time acting within the scope of his employment.

3. Turn with combination of vehicles

No person shall turn with any vehicle that draws a semi-trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite direction.

4. Cycles

No person shall ride a pedal cycle/tricycle at night without being clearly visible from a distance of not less than 50m and such cycle must be equipped with a lamp emitting white light to the front and a lamp emitting red light to the back of such cycle.

5. Holding on to moving vehicles

(1) No person travelling upon any vehicle shall hold onto or attach himself or his vehicle to any other moving vehicle upon any street.

(2) No driver of such moving vehicle mentioned in subsection (1) shall knowingly allow or permit any other person to hold onto or attach himself or his vehicle to his vehicle.

6. Riding on handlebars prohibited

It shall be unlawful for the operator of any cycle or motorcycle, when upon the street, to carry any other person upon the handlebars, frame or tank of any such vehicle, or for any person so to ride upon any such vehicle.

7. Traffic signals

(1) To assist in the control of traffic, the Council may erect and employ traffic signals, signs and safety zones.

(2) No pedestrian, driver of a vehicle or rider of any animal or cycle shall disobey the signals of any mechanically, manually or electrically controlled traffic signal or the direction of any traffic signal or mark upon any street, unless otherwise directed by an authorised officer or an authorized official.

8. Traffic notices and signs

- (1) All notices and signs placed by the Council in or upon any street in terms of any bylaw for the regulation and control of traffic and/or prohibition, restriction, regulation and control of parking shall be obeyed by all persons using such street.
- (2) All notices and signs in any street relating to the regulation and control of traffic and the prohibition, restriction, regulation and control of parking shall be deemed, until the contrary is shown, to be the notices and signs of the Council.
- (3) No person other than a duly authorized agent or servant of the Council shall place in or upon any street any notice or sign affecting or intended to affect the movement of traffic, and/or the parking of vehicles in or upon any street,
- (4) No person shall remove, mutilate, obscure or in any manner damage or interfere with any traffic notice, traffic sign or traffic signal placed by the Council in or upon any street under the authority of any law, and any person contravening this section shall be liable, in addition to any penalty which may be imposed under this bylaw, to repay to the Council the cost of repairing and/or replacing such notice, sign or signal or removing any obscuration there from.

9. Games, throwing stones, etc.

- (1) No person shall use roller or other skates, or roll any hoop, or fly any kite, throw stones, or use any bow and arrow or catapult, or by any means discharge any missile upon, over, or across any street.
- (2) No person shall play cricket or football or any game, or indulge in any pastime whatsoever in or upon any street, except on such places as the Council may set apart for the purpose of any particular game, sport or pastime.

10. Prevention of obstruction during public processions

- (1) On any occasion of public rejoicing, or on the occurrence of public processions, public meetings or any other event calculated to cause exceptional congestion in streets, all persons in or upon such streets shall obey the directions of the police and the duly authorised officials as the route or routes to be followed by vehicles, animals and pedestrians and as to any other matter which may be necessary for the avoidance or prevention or removal of obstruction in such streets.
- (2) All persons shall obey the directions of any authorised officer or duly authorised official for the keeping of order and the prevention of obstruction in the immediate neighbourhood of the Courts of Law, places of worship, railway stations, halls, etc.

11. prohibition of the use of public place closed by council.

No person shall enter or use any street, road, thoroughfare, square or other public place, garden, park or other enclosed space lawfully closed by the Council for the purpose of such entry or use.

12. Street collections

- (1) No person shall organise, hold, assist or be concerned in any collection of money or attempt to collect any money in the streets of the Council area, whether for a charitable object or otherwise, without first obtaining consent in

writing of the Council. Any such consent shall be a special privilege in the discretion of the Council.

- (2) Any person desirous of obtaining such consent as aforesaid shall make application in writing to the Council, and shall in such application set forth:
 - (a) Control:

The name and address, and description of himself and of any other person or persons being in full age who is or are jointly with him to be responsible for the organisation, conduct and control of any such street collection.
 - (b) Hours of Street collection:

The day on which and the hours between which the collection is to be taken or made.
 - (c) Places of street collection:

The portion or portions of the municipality wherein it is proposed to make the said collection.
 - (d) Objects:

The object or objects for which the collection is to be made or the funds from the proceeds of the collection.
 - (e) Amount to be handed over:

Whether the entire amount collected is to be handed over without deduction of any kind whatsoever.
 - (f) Age restriction:

No child under the age of sixteen years shall be employed or engaged in any street collection. The person or persons who have obtained the written consent of the Council to any street collection shall be responsible for the due observance of this section with regard to such collection.
 - (g) Collecting Hours:

No person who has received the Council's written consent to hold a street collection shall collect or cause or allow to be collected any money in any street or from house to house before 7a.m., or after 6p.m., except in cases where these hours have been extended by written consent of the Council.

13. Ropes across street

No person shall without the consent of the Council in writing, place any rope, wire, pole, banner, advertisement or any other object across any street or hang or place anything whatsoever thereon.

14. Defacing, marking or painting streets

No person shall without the consent of the Council in writing, except in the execution of his duty in any way deface, mark or paint any Council property, road traffic signs, street or part thereof.

15. Escort of abnormal vehicles

- (1) Escort of vehicles that are abnormally large, or transport unsafe loads will be provided by Council against payment of the tariffs as determined by the Council and only after a deposit equal to the amount estimated by the Council to be the tariffs for such an escort is paid to the Council in cash.
- (2) Escort tariffs will be charged per hour or part thereof per authorised officer and will be calculated from the time as stipulated on the prescribed form until completion of the escort: Provided that 30 minutes before commencement and 30 minutes after completion be included.

- (3) Escorts will only be supplied if all the requirements of the NRTA are complied with.

16. Tariffs/Charges for assistance with racing events, sporting events, processions and other gatherings in general

- (1) Application for permission for assistance of traffic officers during racing events, sporting events, processions and other gatherings in general shall be submitted in writing on the prescribed form at least seven (7) days prior to the event to the Council, except funeral processions.
- (2) The tariffs, as determined by the Council from time to time, shall be payable for the assistance mentioned in subsection (1) above: provided that:
- a) The tariffs determined in terms of (2) above shall be payable seven days prior to the events and together shall be the refundable amount determined by council for that purpose, be paid on the same prescribed date.
 - b) The tariffs payable shall be determined by council in an manner that they will be cost-effective and also taking into account the value for money.
 - c) The Council may in its sole discretion exempt an applicant from the payment of the tariffs and the deposit upon written reasons being provided to the Council prior to the commencement of the event.
 - d) In the event that the Council is unable to grant exemption for whatever reason prior to the date set by Council, the applicant shall pay the tariffs, which shall, if exemption is granted thereafter, be refunded to the applicant.
- (3) The Council may also approve the appointment of marshals and prescribe their responsibilities and attire to perform functions on public roads.
- (4) The Council shall also prescribe the minimum number of marshal's required to assist at road races, processions, etc.

17. Supermarket trolleys

- (1) No person who is the owner of supermarket trolleys or who controls or has the supervision over a supermarket trolley or who uses it or offers it to be used by any person, or who uses it for any purpose whatsoever, shall leave or permit it to be left in any street or public place except in specially provided parking areas/places.
- (2) Any supermarket trolley, which has been left in a street or any public place, may be removed, or caused, to be removed by any authorised official of council and shall be impounded.
- (3) The supermarket trolleys impounded may be claimed by the owner under the following conditions:
- a) If the owner is traced by the Council and fails to recover such supermarket trolley and to pay the expenses incurred by the Council within 14 days after being requested to do so, such trolley may be sold by the Council in a public auction,

- (b) After a lapse of one month from the date of impoundment whereby the owner cannot be traced, the supermarket trolley may be sold by the Council by public auction,
 - (c) The proceeds of the public auction shall be revenue in favour of the Council for the following costs incurred by the Council to defray expenses and the remainder, if any, will be refunded to the owner of the supermarket trolley:
 - i) The removal of such supermarket trolley;
 - (ii) The keeping of the supermarket trolley in custody for a period not exceeding four months whereby a prescribed storage fee is levied;
 - (iii) The endeavor to trace the owner; and
 - (iv) The cost of the public auction.
 - (d) Satisfactory proof of ownership must be provided to the Council.
- (4) The Council shall not be liable for any loss or damages as a result of theft, damages to or loss of any supermarket trolley, or the selling thereof.

18. Shoeing, cleaning and repairing in streets

- (1) No person shall in any street shoe, or ferry any animal (except in the case of accident, or clean, dress, train, break or turn loose any cattle).
- (2) No person or his agent shall clean or repair any vehicle (except in the case of accident when repair on the spot is necessary), or wash, clean, dry or bleach any article or thing whatsoever.

19. Control of animals

- (1) No person shall drive or cause any animal to be driven in a street except when drawing a carriage or vehicle: Provided that the Council may grant permission to the driving of animals in certain streets on such conditions as it may deem fit.
- (2) No person shall in or along any street:
 - a) Train or break in an animal;
 - (b) Allow an animal, which is his property or under his control, to be let loose or to wander uncontrolled;
 - (c) Leave an animal which is hurt, weak, sick or dying, except to obtain assistance to remove such animal; or
 - (d) By making noises, gestures, and gesticulations or in any other way frighten or irritate an animal.
 - (e) Drive or use or cause to be driven or used for any purpose whatsoever in any street any animal which is so diseased or injured or in such a physical condition that it is unfit to do any work or is causing or likely to cause an obstruction to traffic or injury to health or be offensive or a nuisance to any person
- (3) For the purposes of this section, the word "animal" does not include a dog or a cat.
- (4) No person shall in any street control, by reins only, a team of more than six animals and no person shall drive any team of animals, controlled by reins, in such a manner as not to have such team, with or without a vehicle, at all times under proper control and unless he has at least one hand on such reins.

- (5) No person shall drive or cause or allow to be driven any livestock at any time through any street in which the driving of livestock is permitted, unless such stock shall be accompanied by the following attendants:
 - a) For the first twenty (20), or portion thereof of large stock: 2 attendants, and for each additional twenty (20) or portion thereof: 1 attendant,
 - (b) For the first fifty (50) or portion thereof of small stock: 2 attendants, and for each additional fifty (50), or portion thereof: 1 attendant.

20. Keeping of animals

- (1) No person shall keep any animal or bird, which disturbs the public peace.
- (2) No person shall without a permit issued by the Council keep any wild or dangerous animal, reptile or insect which has an inherent propensity to attack human beings or animals or the keeping of which is likely to become a nuisance or injurious to the health of or is fraught with danger to any person.
- (3) Any animal, reptile or insect, the keeping of which is prohibited in terms of subsection (2) may if found at large, be removed by any authorised officer or authorised official and may recover the cost of so doing from any such person.
- (4) Any such animal as is referred to in subsection (2) of this section found at large or apparently abandoned within the municipal area may be destroyed by the authorised officer or authorised official without any further warrant than this bylaw and the Council shall cause such animal to be removed and buried and the owner or the person who last had the animal in captivity shall be liable, in addition to any penalty under this bylaw, to pay to the Council a reasonable sum to defray the cost of destruction and removal and burial of such animal and shall be liable to prosecution.
- (5) No person being the owner or having the charge or control of any animal whatsoever, whether domesticated or not, shall allow or permit such animal to cause any annoyance, offence or inconvenience to any person in any street or cause any obstruction or inconvenience to traffic generally.

21. Gambling

- (1) No person shall gamble or play any game of chance or pretended game of chance for money, or any other stakes in any street, or in any public vehicle standing or plying on any street.
- (2) No person shall frequent or use any street, or any vehicle standing or plying on any street on behalf of himself or any other person, for the purpose of bookmaking or wagering or betting or agreeing to bet or wager with any person or receiving or settling or paying bets.

22. Sidewalks

- (1) No person shall place upon, offload on, or transport across the roadway or sidewalk in any street any materials or goods unless he shall have taken

precautions to protect the surface of such roadway or sidewalk from damage by means of boards or planks not less than 5 cm in thickness placed thereon.

- (2) No person shall erect any barriers, poles, chains or any other obstructions on any sidewalks without prior written approval from the Council and the barriers, poles, chains or any other obstructions erected, may not in any way impede the normal pedestrian traffic flow.

23. Littering and spillage

No person shall spill, drop or place, or permit to be spilled, dropped or placed, in or on any street, any fruit rind, or fruit or any glass or sharp substance or nails, metal, building or lining, sawdust packing, paper, stable, house or trade refuse, stone, brick or other building materials, or any matter or thing that may interfere with the cleanliness of such street, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street, without causing the same to be immediately removed from such street, and in the event of his failing to do so, the Council may, by its servants remove the same and, in addition to any penalty for the breach of this section, recover from him the expenses of such removal in the same manner as any penalties for breaches of the Council's bylaws are recoverable.

24. Display of articles/clothing

- (1) No person shall hang out any article of wearing apparel or any household, domestic or other linen, or any other fabric, for the purpose of drying or airing the same, from any window or on the wall or veranda of any building facing on the street frontage and erected in areas zoned for "General Business" and "General Residential" under the Council's Town Planning scheme.
- (2) No person shall place any article likely to cause injury or damage to any person or property in any window or other substructure near any street without sufficiently safeguarding it against falling into the street.

25. Openings and doors on streets

- (1) No person shall leave open any entrance from the street, or any vault, cellar, basement, or underground room without a sufficient fence or handrail to prevent persons from falling there into, or have or leave any door or other covering thereto in a defective condition.
- (2) No person shall leave a manhole/opening in an unsafe condition.

26. Excavations and wells

- (1) No person shall without the written consent of the Council, make or cause to be made any hole, trench, pit or excavation in any street or remove any soil, metal, or macadam there from.
- (2) The Council may order any person on whose premises any such unprotected well or other excavation exists to fence, fill in, or cover over the same and,

failing compliance with such order, the Council may do the necessary work and recover the cost thereof from such owner.

27. Removal of soil, sand, etc.

No person shall take, remove or carry away or cause or allow to be taken, removed, or carried away any sand, soil or other material forming part of or being upon any street, stand, erf, or other place within the municipal area which shall be vested in or be the property of the Council, except by permission in writing from the Council first had been obtained and subject to such conditions as may be imposed by the terms of such permission.

28. Sweeping premises adjoining streets

The occupier of premises adjoining any streets shall not cause or permit any part thereof or of the sidewalk abutting thereon to be swept unless and until the same shall have been adequately sprinkled to prevent the raising of dust to the annoyance or inconvenience of the public by such sweeping, nor shall be cause or permit any dirt or refuse swept up to be thrown or in any way deposited in or upon any street, any contravention of this section by any servant or representative of the occupier shall be deemed to be a contravention by the occupier.

29. Opening in kerbing, etc.

- (1) Any person desirous of obtaining an opening in the kerbing and/or guttering of any street in order to provide access for vehicles to the premises abutting thereon shall make application in writing therefore to the Municipal Manager stating the name of the street and number of the stand or erf to which access is desired.
- (2) The Council shall thereupon cause an inspection to be made of the site of the opening applied for and shall decide upon the form of opening and the style and the material for its construction and shall assess the cost thereof. Council may at its sole discretion charge a fee prescribed by the Council from time to time.
- (3) The payment of such fee shall however in no manner entitle the applicant to any claim, lien, or other title whatsoever to, in, upon, or under the said opening.
- (4) The sole right of constructing, altering or closing of any opening in the kerbing and/or guttering shall be vested in the Council.

30. Disturbance of the peace

- (1) No Person shall unduly or without just cause, fire or discharge any firearm, airgun or air pistol within the Municipal area.
- (2) No person shall discharge fireworks without the prior written consent of the Council, and such written consent shall hereafter be called a "Fireworks permit". Such "Fireworks permit" will be readily available at the event and

produced on request by an authorised officer. Any person failing to do so shall be guilty of an offence.

- (3) Provided that subsection (1) shall not apply in the event of formal target practice at a recognised shooting range.
- (4) No person shall without the consent of the Council in writing, play or permit the playing of any music, or use or permit the use of any loudspeaker or public address or other audible device on or adjacent to or which may be heard in any street or public place.
- (5) No person shall disturb the public peace in a street or public place, or on private premises by making noises or causing them to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise creating instrument or by means of a radio, loudspeaker or similar device, or by riotous, violent or immoral behaviour.
- (6) No person shall at any time sound any warning device on any vehicles in such a manner as to produce a shrieking, raucous or offensive noise; Provided, however, that where in the case of emergency the driver of a vehicle acts with the object of avoiding an accident, the use of such warning device shall not constitute an offence.

31. Indecency

- (1) No person shall expose to view, sell or distribute or offer for sale or distribution any indecent or obscene book, pamphlet or postcard, photograph, placard, poster, handbill, picture, drawing or representation, nor exhibit any show which is of an obscene, indecent, objectionable or undesirable, nature or is suggestive of indecency, or which may prejudicially affect public morals, peace, safety, good manner or decorum, in any street or place which is visible to the public.
- (2) No person shall in, or in view of, any street, or in any public place, behave in an indecent manner or make use of any indecent gestures, or commit or solicit, or provoke any person to commit any riotous, disorderly or indecent act.
- (3) No person shall sing any obscene or profane song, or use any profane, foul, indecent or obscene language, or write, paint, draw, or in any way make any indecent or obscene figures, writings, drawings or representations in any street or public place or within view or hearing of any person therein, without prior approval of the Council and the written approval must be readily available.
- (4) No person shall urinate or defecate in any street or public place.

32. Cleanliness of streets and public places

- (1) No person shall spill, drop or place or permit to be spilled, dropped or placed in or on any street or public place any matter or substance that may interfere with the cleanliness of such street or public place, or cause anyone, danger or accident to persons, animals, vehicles or other traffic using such street, without removing it or causing it to be removed from such street forthwith.
- (2) No person shall spit in or upon any street or public place.

33. Trees

- (1) No person shall plant any tree or shrub in any street, sidewalk or public place without prior written permission from the Council.
- (2) No person shall allow any tree or shrub, which is his or her property to impede on any other property or Councils property.
- (3) The Council may in respect of any tree or shrub planted in contravention with subsection (1) or subsection (2) give the owner of the property adjacent the street or sidewalk on which it was planted written notice to remove or to trim/prune/lop off such tree or shrubs within such reasonable period as the notice may stipulate.
- (4) Should the person to whom notice has been given in terms of subsection (3) fail to remove or to trim/prune/lop off the tree or scrub within the stipulated time or the Council not be able to identify the person responsible for the planting of such tree or scrub, the Council may without liability for the cost of such tree or shrub remove the tree or shrub.
- (5) No person shall in a public place climb upon, or break or damage or in any way mark or paint on any tree, and no person shall without the consent of the Council in writing, lop, top, cut down or remove any such tree save as provided for in other legislation, regulations and bylaws.

Chapter III

Street Trading

34. Freedom to trade

- (1) No person shall trade on a public road subject to the provisions of sections 52 and 54 and except in so far as trading is restricted or prohibited by any law or bylaw.
- (2) No person shall without the consent of the Council in writing hold any auction, sale or Flea market in any street or public place save as provided for in other legislations, regulations and bylaws.

35. General Conduct

A person trading shall:

- (1) Not place his or her property on a roadway or public place with the exception of on his or her motor vehicle or trailer from which trade is conducted provided that such vehicle or trailer does not obstruct pedestrian and/or traffic movement or cause damage to any road or property and complies with the provisions of the NRTA and any other relevant act or bylaw;
- (2) Ensure that his or her property does not cover an area of a public road or public place which is greater in extent than 6 m² (with a maximum length of 3 meters) or unless otherwise approved by the council and which on any sidewalk does not leave an unhindered walking space of less than 1, 5 meters for pedestrian traffic measured from the verge thereof;

CONTINUES ON PAGE 258 - PART 3

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- (3) Not place or stack his or her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or cause damage or danger to any property;
- (4) Not obstruct access to a fire hydrant;
- (5) On concluding business for the day remove his or her property, except any approved structure permitted by the council, to a place which is not part of a public road or a public place;
- (6) Not display his or her goods or other property on, against or in a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
- (7) On request by an authorized official of the council or supplier of telecommunication or electricity or other services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (8) Not attach any object by any means to any building, structure, pavement, tree, parking meter, lamp pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place.
- (9) Not make or place any open fire on the sidewalk, public places or Council property, except in the areas demarcated or approved by the Council for such purposes.
- (10) Ensure that gas fire and paraffin stoves are placed and used in the structures approved by the Council and they should be placed in such a manner that they may not constitute danger to person or property.
- (11) Not erect or place permanent structure, container, caravan, trailer or unsightly structure on the sidewalk, park, public places or Council property.
- (12) Ensure that the vehicle, trailer or caravan in which trading is conducted from comply with the NRTA in terms of registration and licensing.
- (13) Not store his/her properties in a manhole, drainage system, storm water drain, bus shelter, public toilets, public places, advertising signs, Council property or trees.

36. Prohibition on carrying on business

No person shall in the jurisdictional area of the Council carry on the business of a street vendor:

- (1) In a garden or park;
- (2) On a verge adjacent to a public building;
- (3) In an area declared by the council as a prohibited/restricted area in terms of Section 6A(2) of the Business Act.
- (4) At a place where:

- (a) It causes an obstruction in front of a fire hydrant or an entrance to or exit from a building;
- (b) It causes an obstruction to vehicular traffic; or
- (c) It substantially obstructs pedestrians in their use of a sidewalk; and
- (d) On that half of a public road adjacent to a building used for residential purposes.
- (5) Along a road where the stopping of vehicles have been prohibited in terms of the NRTA or any other relevant act or bylaw;
- (6) In any public parking area;
- (7) In a taxi rank or other taxi facility without the written approval of council.
- (8) Within 20 m from automatic bank teller machine, entrance to or exit of any bank.
- (9) Within 10 m from any street intersections, scholar patrol, pedestrian crossing and/or 3m from the corners of any building.
- (10) On any sidewalk, which is less than 3 m wide, whereof 1,5m, shall be clear for pedestrian traffic.

37. Cleanliness

A person trading shall:

- (1) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (2) Keep his/her property in a clean, sanitary and well maintained condition;
- (3) Dispose of litter generated by his/her business in whatever receptacles provided by the council for the public or at the dumping sites of the council;
- (4) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (5) Ensure that on completion of business for the day the area and/or site occupied by him/her for the purpose of trade, is free of litter;
- (6) Take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his/her business;
- (7) Prevent any smoke, fumes or other substance, odours and noise emanating from his/her activities that cause a nuisance, disturbance or pollution of any kind;
- (8) On request by an authorized official, employee or agent of the council, move his/her property so as to permit the cleansing of the surface of the area or site where he/she is trading.

38. Obstruction of pedestrians

No person shall trade at a place where such trading:

- (1) Obstructs access to or the use of street furniture such as a shelter bench or shelter or queuing line, a refuse disposal bin or other facility intended for the use of general public;
- (2) Obstructs the visibility of a display window in business premises if the person carrying on business in the business premises concerned, objects thereto;
- (3) Obstructs access to any vehicular or pedestrian entrance to or exit from a building;
- (4) Obstructs access to a pedestrian crossing;

- (5) Obstructs access to any motor vehicle;
- (6) In any other manner obstructs pedestrians in their use of the sidewalk;
- (7) Obstructs access to an automatic bank teller machine;
- (8) Obstructs access to a fire hydrant or
- (9) Is prohibited by any sign erected by the Council.

39. Obstruction of vehicular traffic

No person shall trade at a place where such trading:

- (1) Causes an obstruction or unnecessary delay on a roadway;
- (2) Limits vehicular access to parking or loading bays or other facilities for vehicular traffic;
- (3) Obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this bylaw or any other law;
- (4) Interferes in any way with any vehicle that may be parked alongside such a place;
- (5) Obscures or impedes the view of a road, or traffic on such road, of any road user.

40. Street trading license

- (1) No person shall in the municipal area carry on a street trading business, whether as principal, agent or employee by hawking in meals or perishable foodstuff or any other street trading business:
 - (a) Which is conveyed from place to place, whether by a vehicle or otherwise.

41. Responsibility of persons carrying on business

No person shall instructs, allows, permits, incite, or otherwise induce or persuade any other person to contravene any provisions of this bylaw.

42. Impoundment/Removal/Disposal

- (1) An authorized officer may remove and impound any goods, container, shelter or tent:
 - (a) Which, on reasonable grounds, they suspect are being used or are intended to be used or have already been used in connection with the carrying on of the business of a street vendor;
 - (b) Which he/she finds in a park or on a public road or public place and which in their opinion constitutes an infringement of this bylaw, whether or not such goods, container, shelter or tent are in the possession of or under the control of any person at the time of such impoundment or removal.
- (2) An authorized officer acting by virtue of subsection (1) shall issue a receipt from an approved receipt book to the person who appears to be in control of the goods, container, shelter or tent concerned.

- (3) Any goods, container, shelter or tent as contemplated in subsection (1) shall be marked in a suitable manner and kept in safe custody.
- (4) The street vendor whose goods, container, shelter or tent is confiscated in terms of this bylaw shall, before such goods, container, shelter or tent is returned to him/her pay to the Council the storage costs as determined by council from time to time.
- (5) The owner thereof may claim any confiscated goods, container, shelter or tent, on production of proof of ownership to the satisfaction of the Council.
- (6) Any goods, container, shelter or tent which have not been claimed within a period of three months from the date of impoundment, may be destroyed if of no commercial value, or sold by public auction and the proceeds thereof shall be retained by the council to defray its costs and expenses with regard to the contravention, confiscation and storage.
- (7) The council shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any goods, container, shelter or tent removed in terms of section 59(1) or the sale thereof by public auction, and the owner of such goods shall have no claim or right of redress against the Council, should such object be handed over in good faith to a person other than the owner thereof.
- (8) Any goods of a perishable nature will only be kept for 24 hours from confiscation and will then be destroyed.

43. Signs indicating restrictions and areas

The Council shall by resolution:

- (1) Prescribe signs, markings or other devices indicating specified hours, places, goods or services in respect of which street trading is restricted;
- (2) Specify the location or boundaries of a restricted area. The boundaries of a stand or area are for the purposes of carrying on of the business of street trading under Section 6A(3)(b) of the Business Act;
- (3) State the fact that any such stand or area has been let or otherwise allocated;
- (4) State any restriction or prohibition against trading in terms of this bylaw, and
- (5) Specify the location or boundaries of a prohibited area, and
- (6) Display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area or stand concerned.

Chapter IV

Parking grounds

44. Vehicles of excessive size

- (1) No vehicle with a gross vehicle mass exceeding 3 500 kg or a vehicle with a load exceeding 6m in length shall be parked in or on a parking ground.

45. Miscellaneous

(1) Closure of Parking Grounds

(a) Notwithstanding anything to the contrary in this bylaw contained, the Council may at any time close any parking ground or portion thereof temporarily or permanently and shall indicate the fact and the period of such closure by notice displayed at the entrances to the ground closed or at the portion closed, as the case may be.

(b) No person shall introduce a vehicle into or park or cause or permit a vehicle to be parked or to remain in any parking ground or portion of a parking ground while it is closed in terms of subsection (1)(a).

(2) Responsibility for Offence

Whenever a vehicle is parked in contravention of any provision of this bylaw it shall be presumed, until the contrary be proved, that it was so parked by the person registered as its owner in the records of the appropriate registering authority in terms of the NRTA.

(3) Defective Vehicles

No person shall park or cause or permit any vehicle to be parked or to be or remain on any parking ground for the use of which no tariff is determined by Council which is out of order or for any reason incapable of movement: Provided that no offence against this bylaw shall be deemed to have been committed in respect of any vehicle which, after having been parked in a parking ground, develops a mechanical defect which immobilizes it if the person in control of it proves that he took reasonable steps to have the vehicle repaired or removed as soon as possible.

(4) Behaviour in Parking Ground

(a) No person shall in any parking ground:

(i) When called upon by an authorized official to do so, fail or refuse to furnish him with his full and correct name and address;

(ii) Use or cause or allow any vehicle to be used for plying for hire for the conveyance of passengers or goods or both;

(iii) Clean, wash or, save in an emergency, work on or effect repairs to any vehicle or any part thereof;

(iv) Drive any vehicle recklessly or negligently or without reasonable consideration for the safety or convenience of other persons;

(v) Drive any vehicle at more than 15 km/h;

(vi) Park a vehicle otherwise than in compliance with any notice or sign displayed therein or with an instruction or direction given him by an authorized official or

introduce or remove a vehicle otherwise than through an entrance thereto or exit there from appointed for that purpose;

(vii) So park or load a vehicle or allow anything to be on it that it obstructs other vehicles or persons or impedes their movement or is likely to do so;

(viii) Without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon such vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents;

(ix) Subject to the provisions of Sections 61, so park any vehicle that any part of it lies across any white line forming a boundary of a demarcated space or that it is not entirely within the confines of such a space;

(x) Remove, obscure, deface, damage or interfere with any notice, sign or marking erected or made by the Council or with any other property belonging to it;

(xi) Do any act or introduce anything which obstructs or is likely to obstruct the movement of persons and vehicles;

(b) A sign which the Council displays in a parking ground and which conforms to a road traffic sign prescribed in terms of the NRTA as amended, shall for the purpose of this bylaw bear the same significance as is given to that sign by those regulations.

(c) Unless he is the holder of a decal issued in terms of Section 134(10), entitling him to do so, no person shall park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground in terms of this bylaw hereto.

(5) Damage to Vehicles

The Council shall not be liable for the loss of any vehicle or for its unlawful removal from the ground, or for damage to any vehicle or its fittings, accessories or contents while in a parking ground, or for such damage if it is the consequence of its being moved due to a non compliance with any stipulation contained in this bylaw.

(6) Authorized Persons

No person shall, unless authorized thereto by the Council, enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it there from: Provided that this section shall not apply to a person whom the person in charge of a vehicle has permitted to be a passenger therein.

(7) Obstruction

If a vehicle has been parked in such a position that in the opinion of an authorized official it is likely to obstruct or impede the movement of other vehicles or persons in the parking ground, he may move it or cause it to be moved to another part of the ground.

(8) Abandoned Vehicles

(a) Any vehicle that has been left in the same place in a parking ground for a continuous period of more than seven days may be removed by or at the instance of an authorized official to the Council's pound.

(b) The Council shall take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (8)(a) and if, after the lapse of 90 days from the date of its removal the owner or other person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection

Parking Attendants & Car watchers

46. Prohibition

- (1) No person may act as, operate as or falsely hold him or herself out to be a parking attendant on any public road or in any public place of the Council without the written permission of the Council.
- (2) No organisation may organise the guarding of vehicles in public places or on public roads of the Council through parking attendants without being registered and approved by the Council as a parking attendant organisation.

47. Registration fee payable

1. After the Council has granted approval in specified areas: to an individual to operate a parking attendant service within the Municipal area, the organisation must pay to the Council a registration tariff. The monetary amount of the registration tariff is determined by Council and fixed in the contract.
2. Council shall in no way be held liable for the loss, damage or any theft of the vehicles on a parking ground where the registered company had deployed officials as a parking attendant.

48. Garments and identification of parking attendants

- (1) A parking attendant must, before undertaking any duties, equip himself or herself with the following, at his or her own cost:
 - (a) A bib or jacket and equipment;
 - (b) An identification card bearing the personal details and the information of the registered company .
- (2) Every parking attendant must, while on duty and presenting himself or herself as available for service, be neatly dressed in a bib or jacket and must ensure that the identification card is displayed in a visible position.

49. Requirements for conduct of parking attendants

- (1) No parking attendant may, when on duty:
 - (a) Tamper with, activate or operate a vehicle.

- (b) Wash a car on a public road or in a public place and interfere with the movement of traffic or pedestrians;
 - (c) Demand a donation or fee for guarding a driver's vehicle;
 - (d) Fail to obey a lawful order from an authorised officer or an authorised official;
 - (e) Harass or threaten a driver, or damage a vehicle in any way;
 - (f) Involve himself or herself in any form of criminal activity;
 - (g) Be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance;
 - (h) Be untidily dressed;
 - (i) Refuse to produce proof of his or her identity when requested to do so by an authorised officer or authorised official of a person who requires it for his or her information relating to the service rendered;
 - (j) Ignore any bylaws of the Council or contravene or fail to comply with any other law.
- (2) No parking attendant may refuse to subject him or herself to a security check as prescribed by the Security Officers Act, Act 53 of 1985.

50. Cancellation or suspension of the authority as parking attendant

- (1) The Council may suspend a permit on the grounds that the holder of the permit or the organisation to which the holder belongs has allegedly committed an offence in terms of this bylaw.
- (2) The authority granted in terms of the Bylaws may be immediately suspended or cancelled by the Council if the permit holder;
- (a) Tamper with or activates or operates a parking meter.
 - (b) Fails to observe or carry out the lawful instructions of an authorised person or an authorised officer.
 - (c) Is intoxicated while performing his or her duties as a parking attendant.
 - (d) Cleans or washes any motor vehicle on a public road or in a public place;
 - (e) Offers to clean or wash any motor vehicle on a public road or in a public place;
 - (f) Interferes with the movement of vehicular traffic or the parking of vehicles;
 - (g) Interferes with the movement of pedestrians;
 - (h) Through intimidation, demands a donation or fee for guarding a vehicle;
 - (i) Damages or threatens to damage a vehicle in any way for not receiving a donation or fee; or
 - (j) Fails to produce the permit or an identification card on request.

Chapter V

51. Penalties

Any person contravening any of the foregoing bylaws shall be guilty of an offence and liable on conviction, except where otherwise expressly stated, to:

- (1) A fine not exceeding R2 000.00 or in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment;
- (2) In case of successive or continuous breaches of any bylaw it is provided that any expense incurred by the Council in consequence of a breach of any bylaw or in the execution of any work directed by any bylaw to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work.

60. Tariffs

- (1) The Council shall determine tariffs or fees from time to time in accordance with section 4(c) Local Government Municipal Systems Act, Act 32 of 2000.
- (2) All refundable deposits will be forfeited to the Council in the event of non compliance of any of the foregoing bylaws.

Chapter VI

Annexure 1

PARKING ATTENDANT/CAR WATCHER IDENTIFICATION

PHOTO

NAME :.....

ID NO :.....

ORGANISATION :.....

TELEPHONE NO :.....

ZONE/WARD ALLOCATION:

EMERGENCY TELEPHONE NUMBERS

TRAFFIC DEPARTMENT:.....

SAPS :.....

NB: The dimensions of the identification card must be 125mm x 85mm

Annexure 2

PERMIT TO OPERATE AS A PARKING ATTENDANT/CAR WATCHER

PERMIT NO:

NAME :

ID NO :

ORGANISATION :

GEOGRAPHICAL AREA OF OPERATION :

THE BEARER IS HEREBY AUTHORISED TO OPERATE AS A PARKING ATTENDANT/CAR WATCHER ON A PUBLIC ROAD AND IN A PUBLIC PLACE AS SPECIFIED IN THE GEOGRAPHICAL AREA OF OPERATION.

EXPIRY DATE:

AUTHORISED BY THE CHIEF OF TRAFFIC:.....

SIGNATURE :

DATE :

ISSUED BY :

Annexure 3**CODE OF CONDUCT FOR PARKING ATTENDANTS AND CAR WATCHERS**

1. No parking attendant or car watcher may, when on duty:
2. Tamper with; activate or operate a parking meter.
3. Wash a car on a public road or in a public place and interfere with the movement of traffic or pedestrians.
4. Demand a donation or fee for guarding a driver's vehicle.
5. Refuse to obey a lawful order from an authorised person or an authorised officer.
6. Harass or threaten motorists; damage or threaten motorists by any other means.
7. Involve him or her in any form of criminal activity.
8. Be under the influence of alcohol or any narcotic substance or consume or use any alcohol or narcotic substance.
9. Be untidily dressed.
10. Refuse to produce proof of his or her identity when requested to do so by an authorised officer of a person who requires it for his or her information relating to the service rendered.
11. Refuse to subject himself or herself to an alcohol and drug test when called upon to do so; and
12. Ignore any bylaws of the Council; contravene or fail to comply with any other law.
13. No parking attendant or car watcher may refuse to subject him or herself to a security scan.

LOCAL AUTHORITY NOTICE 1608 OF 2015
LESEDI CEMETERY AND CREMATORIA BY-LAWS

The Cemetery and Crematoria By-laws set forth hereinafter, which still to be promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) and in accordance with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

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CHAPTER 1: INTERPRETATION

1. Definitions

In these by-laws, unless the context indicates otherwise—

“**active cemetery**” means a Public Cemetery situated within the jurisdiction of the municipality, and includes the buildings and fixtures within the cemeteries;

“**adult**” (where the word is used to describe a body) means any deceased person over the age of 12 years;

“**aesthetic (also called Lawn) section**” means a section of a cemetery, which has been set aside by the municipality in which only a headstone may be erected on a berm and in which the municipality must provide and maintain a strip of lawn;

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

“**berm**” means a concrete strip laid by the municipality along a row of graves, or between two such rows, in the aesthetic section;

“**body**” means any dead human body including the body of a still-born child;

“**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 intended to be buried, interred, cremated, or otherwise disposed of;

“**caretaker**” means the person appointed from time to time by the municipality in a supervisory capacity with regard to any cemetery in accordance with section 0 of these by-laws;

“**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 the management, administration, operation and maintenance of an active cemetery;

“**child**” means any deceased person of the age of 12 years or under whose coffin will fit into the grave opening prescribed for children in section 25;

“**commonwealth war burial**” means a burial of any member of the naval, military or air forces of the Commonwealth who died as a result of injuries sustained or illnesses contracted in the course of active duty during the First World War (1914 to 1921) or the Second World War (1939 to 1947);

“**commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial;

“**customer**” means the 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 or interests referred to or mentioned in these by-laws;

“**cremation**” means the practice of disposing of a human body by fire and thereby reducing any human remains to ashes;

“**crematorium**” means a crematorium as defined in section 1 of the Crematorium Ordinance, 1965 (Transvaal Ordinance 18 of 1965) which includes the buildings in which the ceremony is conducted and the cremation carried out;

“**cremated remains**” means all recoverable human remains after the cremation process;

“**exhumation**” means the disinterment of a body from its interment site;

“**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 of whatsoever nature, for the municipality to determine, to set out further new grave sites;

“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 was cremated;

“grave” means any piece of land laid out for the interment of one or more bodies within any cemetery;

“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);

“Health Act” means the Health Act, 1977 (Act 63 of 1977);

“indigent person” means a person who has been identified as indigent at the time of his death; the burial of such a person to be conducted at a reduced tariff, annually revised in terms of Section 11 of these by-laws.

“inhumation” means the burial of human remains;

“interment” means burial in earth or in any form of sepulchre and includes the cremation of a body;

“local community” means the body of persons comprising –the residents of the municipality; the ratepayers of the municipality; any civic organizations or non-governmental organizations which are involved in local affairs within the municipality;

and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of the services provided by the municipality, including any person or persons who would, if he or she were ordinarily resident in the municipality, qualify as an indigent person;

“medical officer of health” means the medical officer of health of the municipality appointed in terms of section 22 of the Health Act, or any person appointed to assist him in terms of section 24 of the Health Act, authorized by the medical officer of health and acting under his supervision;

“memorial wall” means a wall containing niches provided for the placement of ashes and inscribed plaques in a garden of remembrance;

“memorial work” means any tombstone, railing, fence, monument, memorial, inscription or other work erected or which may be erected on or about any grave;

“monumental section” means a section of a cemetery, which has been set aside by the municipality wherein memorial work may be erected to cover the entire grave area;

“municipal manager” means the municipal manager as appointed in terms of the Municipal Systems Act

“municipality” means-(a) the Lesedi Local Municipality, a category B municipality in the district of Sedibeng, Gauteng, established in terms of section 12(1) of the Structures Act; or

(b) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, or any other law;

“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 recessed compartment in a memorial wall for the interment of ashes;

“passive cemetery” means a public cemetery owned, regulated, established or maintained by, or the control of which is vested in the municipality, and which is certified as a “passive cemetery” in terms of these by-laws;

“pauper” means a person who has died as an unknown person;

“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 22 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;

“registrar of deaths” means a person appointed by the Government to register deaths;

“**resident**” means a person who, at the time of death, ordinarily resides in the boundaries of the municipality;

“**sepulchre**” means a tomb;

“**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 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (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 services;

“**service provider**” means any person who has entered into a service delivery agreement with the municipality in terms of section 81(2) of the Systems Act;

“**still-born child**” means a human foetus that has had at least 26 weeks of intra-uterine existence but showed no sign of life after complete birth;

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

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

“**tariff**” means the tariff promulgated by the municipality and collected from the customer by the municipality for rendering cemetery services; and

“**undertaker**” means a person registered to undertake the preparation of a human body for burial or cremation in terms of the Health Act.

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 must at all times ensure that sufficient burial space is available for the burial of bodies within the service area.
- (3) The municipality is responsible for the on-going maintenance of all cemeteries, including any damage to the cemetery, but not to any memorial work, caused by Acts of God.
- (4) The cemetery services may, from time to time, be suspended at a particular cemetery for the purposes of undertaking maintenance, including extraordinary maintenance: Provided that adequate notice be given to members of the public; Provided further that, if the municipality has other active cemeteries of the same category (if the municipality has classified the active cemeteries in its service area into different categories in terms of section 0, there is another active cemetery of the same category available to the public within the service area.

3. Caretakers

- (1) The municipality must appoint a caretaker to every cemetery to control the day-to-day management of the cemetery.
- (2) The caretaker may be a caretaker for more than one cemetery.

4. Classification of Cemeteries

- (1) The municipality may classify active cemeteries into different categories for the purposes of establishing different service levels.
- (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: Provided that such differentiation does 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 declare, through the issuing of a certificate, that cemetery to be a passive cemetery.
- (2) The municipality may declare sections of a cemetery which are full to be closed, pending the use of the remaining sections of the cemetery. Once the entire cemetery is full, the municipality must declare the cemetery to be a passive cemetery in accordance with the provisions of the By-Laws.
- (3) The municipality is responsible for the on-going maintenance of all passive cemeteries.

CHAPTER THREE: PRIVATE CEMETERIES

6. Registration of Existing Graves

Any owner of land, other than the municipality, upon whose land any grave or graves exist, must inform the municipality of the existence of such graves on a form to be prescribed by the municipality.

7. Establishment and Continued Use of Private Cemeteries

No person shall, within the service area, establish a private cemetery and no owner of any private cemetery already in existence shall, if the use of such cemetery was not previously authorised by the municipality, continue to use such existing cemetery for burial purposes without the municipality's authority being obtained in terms of section 8.

8. Application for a Private Cemetery

- (1) Applications for the municipality's approval to continue using a private cemetery shall 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 the existing cemetery in relation to the boundaries of the land upon which it is situated, the registered description of the site and showing all streets, public places and privately-owned property within a distance of 100 metres 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, and 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 with reference to identification of graves, sale or transfer of grave sites and interments;
 - (e) The full names and addresses of the owner and the caretaker;
 - (f) The nature of the title under which the owner of the private cemetery will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery, and whether such land is subject to any encumbrance in any way;
 - (g) Proof, to the satisfaction of the municipality, that the owner has adequate insurance and real security to be able to discharge the obligation of maintaining the private cemetery and all graves in the future; 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 inform the applicant that he must place within one or more newspapers, circulating within the municipality, a notice stating the nature of the application and specifying the date by which objections to the granting of the application must be lodged with the municipal manager: Provided that the period in which objections must be lodged may not be less than 14 days.
- (3) Within 60 days of the final date for the lodging of objections, the municipal manager must submit the application to the municipality for consideration by the municipality.

- (4) Within 30 days of the municipality's receiving the application in terms of subsection (3), the municipality must consider the application and any objections to the application which may have been lodged. If, after consideration of the application and any objections, 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 as a result, the municipality may authorise, in writing, the continued use of the private cemetery, in accordance with the document submitted to the municipality in terms of subsection (1).
- (5) If approval is granted for the continued use of a private cemetery in terms of subsection (4), then there may be no departure from the plans submitted in terms of subsection (1) 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 authorised in terms of section 8(4) to continue 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 0 at a place other than the place where the burial register referred to in subsection 0 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 and provide adequate potable and ablution facilities;
- (f) Provide for the identification of grave sites by subdividing the cemetery into blocks each containing a number of graves or grave sites and each block being demarcated by means of signs showing the number and situation of each block. Every grave site in each block must be separately numbered by means of durable number plates. All signs and number plates must be maintained in a neat and legible condition;
- (g) Allow the municipality or its duly authorised officers to enter and inspect the cemetery, the burial register, and all records kept in connection therewith;
- (h) 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 in each case, 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 burial;
- (i) 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;
- (j) Appoint a caretaker to manage the cemetery and keep the records thereof. Any new appointment or change in the identity of the caretaker should be reported to the municipal manager on the monthly report submitted to the municipal manager in terms of subsection 900; and
- (k) Comply with any other conditions prescribed by the municipality.

CHAPTER FOUR: SERVICE PROVIDERS

10. Agreement, Delegation and Customer Care Charter

- (1) Subject the provisions of the relevant Legislations, the municipality may discharge all or some 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.
- (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 the municipality under these by-laws: Provided that the assignment is necessary to enable the service provider to discharge any obligation under its service delivery agreement.
- (3) Any reference in these by-laws to "municipality or service provider" must be read as the "municipality" if the municipality has not entered into a service delivery agreement; and, if the municipality has entered into a service delivery agreement, must be read as "service provider".
- (4) Without derogating from the generality of other parts of the By-Law, 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 appointed in terms of this By-Law 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 other part of this By-Law, 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, save with the prior written permission of the municipality, dispose of or attempt to dispose of a body, other than:
 - (a) by interment in a private cemetery 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 of these by-laws; or
 - (b) by cremation in a crematorium as regulated by Chapter 12 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: Provided that, 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 sections 20, 33, 34 and 39 of the Health Act, no funeral undertaker shall enter into a contract to bury or cremate anybody 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 planning for such a business; 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 municipality may, after giving reasonable notice to an undertaker of its intention to conduct an inspection, enter into and inspect the undertakers premise to enable it to determine whether provisions of this By-Law have been complied with.

- (3) All undertakers must keep records of all bodies which they receive and of the burial orders for these bodies.
- (4) Any caretaker may refuse to bury a body presented for burial by an undertaker who has not complied with these by-laws; Provided that where a caretaker refuses such a burial, this is reported in writing to the municipality along with the reasons for refusal.

14. Register

- (1) The caretaker of a cemetery must maintain a burial register in accordance with section 21 of the Births and Deaths Registrations Act, 1992 (Act 51 of 1992).
- (2) The caretaker must maintain a duplicate copy of the burial register referred to on this By-Law at a place other than the place where the burial register referred to in By-Laws is kept.

CHAPTER SIX: FUNERALS

15. Religious Ceremonies

- (1) The members of any religious denomination may conduct religious ceremonies in a cemetery in connection with any interment or memorial service subject to the control and by-laws of the municipality.
- (2) No person shall conduct any religious ceremony according to the rites of any denomination in such portion of any cemetery that is reserved by the municipality for members of another denomination.

16. Exposure of Corpses

No person shall convey a corpse which is not covered, or expose any such corpse or any part thereof in any street, cemetery or public place.

17. Instructions of the Caretaker

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

18. Music and Singing

No music or singing will be allowed in a cemetery, except for sacred singing, and except in the case of police or military funerals, without the caretaker's permission.

19. Occupation of Chapel or Shelter

No person shall occupy any chapel or shelter in a cemetery for more than 45 minutes, unless authorised to do so by the caretaker of the cemetery.

20. Hours for Interments

- (1) Subject to the provisions of this By-Law, interments shall take place during the following hours:
 - (a) On a Monday to Thursday, excluding public holidays, from 09:00 to 15:30; and
 - (b) On a Friday, excluding public holidays, from 09:00 to 14:00.
 - (c) On a Saturday, excluding public holidays, from 09:00 to 15:30
- (2) The caretaker 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: Provided that, if the proceedings at the grave commence 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 caretaker 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 SEVEN: INTERMENTS

22. Application for Purchase and Use of a Grave

- (1) No person shall inter or cause to be interred any body within any cemetery without the permission of the caretaker. Such permission shall only be granted on submission to the caretaker of the original burial order authorising interment, together with notice of such interment.
- (a) A person wishing to have a body interred shall notify the caretaker on a form to be prescribed by the municipality not less than eight hours before the time arranged for such interment. Such application shall be signed by the nearest surviving relative of the person whose body is to be interred in the grave, or such other person as the nearest surviving relative may authorise to sign the application on his behalf: Provided that if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may at his discretion grant an application signed by any other interested person.
- (2) The municipality may, at its discretion, sell to any person the use of any piece of ground for a grave. Any person wishing to purchase the use of any such grave shall apply to the municipality. Such grave shall be allotted by the municipality and held subject to the cemetery by-laws from time to time in force.
- (3) Not more than one interment may be made in a grave, except with the written permission of the caretaker.
- (4) Where there has been an interment in a grave and where a deeper grave is required for the interment of another coffin in the same grave at a later stage, application to inter another coffin must be made to the caretaker when notice of the first interment is given to the caretaker.
- (5) A second interment in the same grave will not be allowed within one year from the date of the first interment.
- (6) Not more than three coffins may be interred in the same grave.
- (7) The municipality may, upon application and in its sole discretion, inter any body free of charge in such place and manner as it may consider fit.
- (8) No body shall be interred unless it is placed in a coffin as described in section 29, unless there is an objection thereto on religious grounds as contained for on this By-Law.

23. Permission to Inter

- (1) Subject to the provisions of this By-law, the caretaker 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 caretaker;
 - (b) All appropriate tariffs, as prescribed by the municipality, have not been paid; and
 - (c) An application in terms of this By-Law has not been made.
- (2) In circumstances which, in the opinion of the caretaker, are exceptional, the caretaker may grant permission to inter a body where the requirements in subsection 0 and 0 have not been met.

24. Alteration of Date of Interment

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

25. Dimensions of Grave Openings

- (1) The dimensions of graves shall be as follows:
 - (a) 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.
- (b) 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.
- (2) 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.
- (3) 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.
- (4) Any person wishing to purchase the right to a grave shall apply to the municipality and pay the prescribed tariff.

26. Rights not Transferable

- (1) No person shall, without the consent of the municipality, 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 transfer of the right to a purchased grave or niche shall be registered by the municipality and the transfer charge determined from time to time by the municipality shall be paid to the municipality by the new customer.
- (3) The municipality may purchase the right to an unused grave or niche if this is necessary for the efficient administration of the cemetery or for any reasonable environmental considerations: Provided that where the municipality does so, it must provide just compensation to the customer.
- (4) 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 the niche.

27. 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.

28. Covering with Earth

There shall be at least 1 200mm of earth between the top of any adult's coffin and the surface of the ground and at least 900 mm of earth between the top of a child's coffin and the surface of the ground.

29. 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 caretaker: Provided that any attachments to such a coffin which normally form part of a coffin, need not be made of soft wood or other perishable material.

30. Number of Bodies in One Coffin

- (1) Subject to the provisions of this By-La two or more bodies of members of the same family may be buried in the same coffin where –
 - (a) Two members of a family die together, including two persons 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 who, at the time of their death, in the reasonable opinion of the customer, were involved in a committed relationship with one another, die at the same time.
- (2) Anatomy remains of two or more bodies may be buried in the same grave.
- (3) Notwithstanding the provisions of subsection 1 or 2 the customer will still be liable to pay the applicable tariff as prescribed in section 11.

31. Covering of the Coffin or Body with Earth

Every coffin or body bag shall, upon being placed in any grave be covered without delay with at least 300 millimeters of earth.

32. 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), section 46 of the 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.

33. Interment of Deceased Persons Resident Outside the Municipality

The municipality may in its discretion permit the interment of a deceased person who was resident outside the municipal area.

34. Pauper and Indigent Burials

- (1) The body of a pauper must be buried at the cost of the municipality at a cemetery to be determined by the municipality.
- (2) The body of an indigent person may be buried at a different tariff to be approved by the municipality in accordance with section 11 of these by-laws.

CHAPTER EIGHT: EXHUMATION OF BODIES AND RE-OPENING OF GRAVES

35. Opening of Graves

- (1) Subject to the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925), and to any provisions of any other law pertaining to the exhumation of a corpse, no grave may be opened without the written consent of the following authorities—
 - (a) The Gauteng Department of Health; and
 - (b) The municipality.
- (2) In addition to the consent required in subsection 0, 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 of Gauteng 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, reinter or cremate a body buried in a Commonwealth war grave, or otherwise interfere with a Commonwealth war grave or 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 32, 35 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) Such permission shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of such corpse.

37. Screening of Activities

The undertaker shall effectively screen the grave from which any corpse is to be removed from view during the exhumation.

38. Persons to be Present During Exhumations

No exhumation or removal by any body shall take place unless the medical officer of health is present as well as a member of the South African Police Service.

39. Transfer of Buried Corpses

Should the transfer of a corpse be deemed 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 the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925 and these by-laws, transfer such corpse to another grave. Where reasonably possible, a relative of such deceased person shall be notified accordingly.

CHAPTER NINE: CARE OF GRAVES

40. Care of Graves

The customer in respect of any grave shall keep such grave clear of weeds and in proper order. Should the customer fail to do so, the municipality may itself do so or cause the necessary work for the abovementioned purpose to be done and to recover the cost thereof from the customer.

41. Shrubs and Flowers

- (a) No person, other than the caretaker, may plant any shrub, tree, plant or flower upon any grave in the cemetery;
- (b) No shrub, tree, plant or flower in the cemetery shall be cut or removed by any person without the consent of the caretaker; and
- (c) The caretaker shall have the right to prune, cut down, dig up or remove any shrub, tree, plant or flower in the cemetery at any time.

42. Care of Graves

The municipality may, in its discretion, undertake to keep any grave in order for any period against payment of the charges determined from time to time by the municipality.

CHAPTER TEN: ERECTION AND MAINTENANCE OF MEMORIAL WORK

43. 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 caretaker and of the customer 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 thereon.

44. Waiting Period Before Erecting of Memorial

No memorial may be erected in the monumental section within six months after the date of interment, unless the caretaker, after consideration of written representations and subject to the conditions set out in 0, 0 and 0, grants approval thereto:

- (a) That sufficient provision was made for the stabilisation of the ground, and that any displacement of the memorial work will be rectified by the customer;

- (b) That the relatives indemnify the municipality against any claims arising as a result of damages caused to the memorial because of subsidence; and
- (c) That the erector of the memorial undertakes in writing to repair memorials, which were damaged because of subsidence.

45. Position of Memorial Work

No person shall erect any memorial work on any grave except in such position as the caretaker may direct or as otherwise provided for in these by-laws.

46. Repairs to Memorial Work

Should the customer of a grave allow any memorial work to fall into a state of disrepair that may, in the opinion of the caretaker, cause danger to any person or to any thing situated in the cemetery, or to deface or damage any cemetery, the caretaker may order him by notice in writing, to make such repairs as the caretaker may consider necessary. Should the address of the customer be unknown to the caretaker, such notice may be published in both official languages in any daily newspaper circulating within the municipality. Should the required repairs not be carried out within one month of serving such notice or the publication of it, the caretaker may himself carry out such repair or remove the memorial work without paying any compensation and may recover the cost of the repairs or of removal from the customer, or both.

47. Supervision of Work

Any person engaged upon any memorial work in a cemetery shall affect such work in accordance with the plan submitted and to the satisfaction of the caretaker.

48. Damaging of Memorial Work

- (1) Subject to the provisions of subsection 0, the municipality shall not be liable for any damage which may at any time occur to any memorial work.
- (2) The municipality shall be liable to the person to whom it has caused harm for damage caused by the wrongful and either intentional or grossly negligent acts of the municipality or any of its employees that causes damage to any memorial work.

49. Moving of Memorial Work

The caretaker may, after due notice to the customer, at any time, change or alter the position of any memorial work and recover the cost of doing so from the customer of such memorial work: Provided that in any case where any memorial work has originally been placed in a certain position with the consent of the caretaker, any alteration to that position shall be done at the expense of the municipality.

50. Bringing Material into Cemetery

No person shall bring into the cemetery any material for the purpose of constructing any memorial work on any grave, or to erect a commemorative plaque in the garden of remembrance, unless and until—

- (a) a sketch together with the essential dimensions in figures of the proposed memorial, and showing the position of the proposed work, accompanied by a specification of the materials to be used in addition to a copy of any proposed inscription has been submitted to the caretaker at least fourteen days prior to the date on which such material is intended to be brought into any cemetery;
- (b) all charges due in respect of such grave or graves or niches have been paid;
- (c) the caretaker's written approval of the proposed work has been given; and
- (d) the grave number has been engraved on the memorial work.

51. Approval and Removal of Memorial Work by the Caretaker

- (1) Subject to the right of an affected person to appeal to the municipality against any rejection by the caretaker, the caretaker may reject any proposed design or material for a memorial, which he considers to be unsuitable.
- (2) Any memorial which is not erected to the satisfaction of the caretaker must be rectified by the customer within one month after having been notified in writing by the caretaker to do so, or be removed by the customer and at the expense of the customer.
- (3) No Person shall remove or disturb any memorial within any cemetery without the permission of the caretaker.

52. Requirements for Erection of Memorial Work

- (1) Memorial work shall be in accordance with the following requirements:
 - (a) Where any part of any memorial work is to be joined to any other part, copper or galvanized iron pins of approved thickness and 160 millimeters long shall be used for such purpose. The holes, into which such pins must fit, shall be not less than 80 millimeters deep;
 - (b) Any part of such work resting upon the ground or any stone or other foundation shall be fairly squared and bedded;
 - (c) No stone of uneven thickness, or having any corner wanting, shall be used unless shown on the sketch submitted in terms of section 0;
 - (d) The underside of each memorial shall be set at least 50 millimeters below the natural level of the ground and on an adequate concrete foundation;
 - (e) Without the written consent of the caretaker, no kerb stones shall be used which protrude more than 250 millimeters above the surface of the ground or are more than 200 millimeters thick;
 - (f) All head and curb stones shall be properly secured from the inside with round copper or galvanized iron pins;
 - (g) All headstones up to 150 millimeters in thickness shall be securely attached to the base in an acceptable manner;
 - (h) All memorial work shall be complete as far as possible before it is brought into any cemetery;
 - (i) In the case of single graves, foot kerbs shall consist of one solid piece.
 - (j) Memorial work shall be made of marble or granite or any other SANS-approved hard stone, subject to the approval of the caretaker;
 - (k) No person shall do any stonework, chiselling or other work upon any memorial work not connected with the fixing of such memorial work within any cemetery except where such work is expressly permitted in terms of these by-laws;
- (l) If a memorial rests on a base:
 - (i) It must be set on a concrete foundation approved by the caretaker;
 - (ii) It shall be set in good cement mortar; and
 - (iii) The base shall be not less than 1 000 millimeters by 330 millimeters by 330 millimeters;
- (m) The concrete foundation to the headstone shall have the following dimensions:
 - (i) The length, at right angles to the longitudinal axis of grave, must be at least 1 300 millimeters;
 - (ii) The width must be not less than the width of the bottom of the headstone plus a projection of 160 millimeters either side; and
 - (iii) The depth must be not less than 160mm;
- (n) The concrete foundation for the kerbing shall extend across the foot of the grave plot and shall be of the following dimensions:

- (i) The length must be at least 1 220 millimeters;
- (ii) The width must be at least 330 millimeters; and
- (iii) The depth must be at least 110 millimeters; and
- (o) The tops of all concrete foundations shall be not less than 60 millimeters below ground level.
- (2) Lettering upon memorials must be engraved thereon or when lettering protrudes from the surface of the memorial work, it must be of durable material, be fixed permanently upon the memorial work and must not protrude more than 1 centimeter from the surface of the memorial work.
- (3) With the consent of the caretaker and the customer the name of the maker may be engraved on the memorial work: Provided that no address or other particulars shall be added thereto and that the caretaker may require that uniform letter sizes and spaces be used for such engraving.

53. Conveying of Memorial Work

The conveying of any stone, brick or memorial work or any part thereof along paths between graves may be undertaken only by means of a trolley fitted with pneumatic tires: Provided that no such trolley shall be moved along any path which in the opinion of the caretaker, is too narrow or otherwise unsuitable for such trolley.

54. Vehicles and Tools

Any person engaged upon any work upon any grave or graves shall use vehicles, tools and other appliances of such kind as not to contravene the by-laws.

55. Complying with the Caretaker's Directions

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

56. 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 therein contained.

57. Times for Bringing in Material and Doing Work

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

58. Inclement Weather

- (1) No person shall fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.
- (2) The caretaker may decide when the weather may said to be inclement weather or when the soil is in an unsuitable condition.

59. 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 in terms or section 43.

CHAPTER ELEVEN: ALL SECTIONS

60. Adornment of Graves

- (1) Subject to the provisions of this By-Law, no person shall, except with the consent of the caretaker, erect, place or leave upon or around a grave any railings, wire-work, flower stand, ornament,

wreath, embellishment or other object of any kind, other than a vase, together with such flowers and foliage as may be inserted therein.

- (2) Notwithstanding the provisions of this By-Law, no person shall erect, place or leave upon or around a grave any railings, wire-work, flower stand, ornament, wreath, embellishment or other object of any kind in the aesthetic section.
- (3) Where the caretaker considers whether to grant consent for the adornment of any grave in terms of this By-Law, he must take into consideration the cultural and religious values of the local community as well as the cultural and religious values of the deceased interred in the grave.
- (4) Fresh flowers and foliage placed on a grave with the consent of the caretaker in terms of subsection 0 may be removed by him when in his opinion they have faded.
- (5) A memorial may incorporate not more than two vases or other receptacles for flowers or foliage.

61. Monumental Section

The following provisions shall apply to the monumental section of a cemetery, if there be one:

- (a) No memorial, which is erected, shall exceed a height of 1500 millimeters provided a proper foundation is incorporated in the design; and
- (b) No planting of any kind, except with the permission of the caretaker, shall be allowed on the graves.

62. Aesthetic Section

The following provisions shall apply to the aesthetic section of a cemetery, if there be one:

- (a) No kerbing or any form of base shall be erected;
- (b) The headstone memorial shall be erected only on the concrete strip as 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 so erected on the berm that the edge nearest to the grave shall be at least 120 millimeters from the edge of the berm. The height of memorial shall not exceed 1000 millimeters, including the bar;
- (e) The municipality retains the right to flatten any remains of soil or fill any subsidence of a grave to the same level as the adjoining undisturbed ground level to facilitate mechanised maintenance;
- (f) 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 the expiration of six months from the date of interment;
- (g) Subject to the provisions of subsection 0, the caretaker may remove any object, which has been placed on a grave; and
- (h) Excluding the vase for flowers or foliage in the berm, no memorial may contain more than one additional container for flowers or foliage.

CHAPTER TWELVE: CREMATORIA

63. 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 approved in terms of the provisions of the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).
- (2) No person shall dispose of a body by cremation other than in accordance with the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).

- (3) The ashes remaining after a cremation, may, with the written consent of the caretaker, 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 caretaker.

64. Coffins

Coffins intended for cremation shall be constructed principally out of timber or wood derivatives, as regulated by regulation 14 of the Crematorium Ordinance, 1965 (Ordinance 18 of 1965).

CHAPTER THIRTEEN: PROHIBITED CONDUCT

65. 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 0 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) intentionally bring any animal or bird into a cemetery or allow it to wander in it, with the exception of guide dogs;
 - (f) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;
 - (g) hold or take part in any demonstration in any cemetery;
 - (h) hinder during the performance of his duties any officer, workman or labourer employed by the municipality in any cemetery;
 - (i) obstruct, resist or oppose the caretaker in the course of his duty or refuse to comply with any order or request which the caretaker is entitled to make;
 - (j) use or cause any cemetery to be used for any immoral purpose; or
 - (k) 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 deface them.
- (2) When assessing what constitutes prohibited conduct in terms of subsection 0 the social and cultural values of the local community should be taken into account.
- (3) The caretaker must place a notice in the cemetery setting out the prohibited conduct.
- (4) Any person wishing to lodge a complaint about any prohibited conduct must do so in writing to the municipality.

66. Keeping the Paths

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

67. 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.

68. Penalties

- (1) Any person contravening any provisions of these by-laws or failing to comply therewith, shall be guilty of an offence and liable, on conviction, to a sentence of up to six months or a fine

not exceeding R2000, or both and, in the case of any continued offence, to a fine not exceeding R100 per day for every day such offence is continued.

- (2) In addition to such fine prescribed in this By-Law, the person guilty of such contravention shall pay any cost incurred by the municipality as a result of any contravention of any of the provisions of these by-laws.
- (3) The caretaker 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 that person must forthwith comply with the order, or the caretaker may make arrangements that the trespassers be lawfully removed from the cemetery.

CHAPTER FOURTEEN: GENERAL

69. Rights to Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be acquired in terms of these by-laws.

70. Non-discrimination

- (1) Subject to the provision of By-Law, no provision of these by-laws shall be construed so as to authorize discrimination between any persons on the basis of race, religion or gender. Nor shall these by-laws be applied in such a way as to discriminate between such persons.
- (2) Notwithstanding the provisions of this By-Law, discrimination on the grounds of gender may be expressly authorised in terms of any provision of these by-laws which prescribes the wearing of appropriate apparel in a public place or that imposes a restriction upon the entry of persons into public ablutions, toilet and change-room facilities or prescribes different standards for such facilities.

71. Admission of Visitors

- (1) Every cemetery shall be open to the public during the following hours:
 - (a) From 1 September to 30 April: 07:00 to 18:00; and
 - (b) From 1 May to 31 August: 07:00 to 17:30.
- (2) Notwithstanding the provisions of subsection 0, 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 hours mentioned in subsection 0 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 person.

72. Revocation of By-laws

Any By-Laws with the same title as this are hereby repealed in their entirety: Provided that the repeal 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 Gauteng Provincial Gazette.

LOCAL AUTHORITY NOTICE 1609 OF 2015

LESEDI LOCAL MUNICIPALITY
ELECTRICITY BY-LAWS

By-law

To provide for the supply and usage of electricity within the municipal area of the municipality and to provide for matters incidental thereto.

BE IT ENACTED by the Council of the Lesedi Local Municipality, as follows:-

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1.(1) **Definitions** – In these By-laws, unless inconsistent with the context :-

“accredited person”	means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;
“approved”	means approved in writing by the Council;
“certificate of compliance”	means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;
“consumer”	means a person to whom the Council has agreed to supply electricity

	or is actually supplying electricity, or if there is no such person, the owner of the premises;
“consumer’s agreement”	means an agreement as referred to in section 3;
“contractor”	means an electrical contractor as defined in the Act;
“council” or “municipal council”	means the Lesedi Local Municipality, and includes an officer of the Municipality duly empowered by the Municipality to exercise or perform the powers, functions and duties of the Municipality under these by-laws;
“electrical installation”	means electrical installation as described in the Regulations;
“engineer”	means the official in charge of the electricity undertaking of the Council or any other person duly authorised to perform this duty on his behalf;
“installation work”	means installation or installing work as described in the Regulations;
“low voltage enclosure” and “enclosure for a special supply at low voltage”	means a chamber compartment or other enclosure in which a transformer, switch gear or other electrical equipment is contained for operating low voltage;
“low voltage”	(hereinafter referred to as LV) means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c voltage of 1000V, or a d.c voltage of 1500 V as specified in SABS 1019;
“medium voltage enclosure”	means a chamber, compartment or other enclosure in which transformer switchgear or other electrical equipment is contained for operating at a minimum voltage;
“medium voltage”	(hereinafter referred to as MV) means the set of normal voltage levels that lie above low voltage and below high voltage in the range of above 1 kV and below or equal to 44 kV as specified in SABS 1019;
“meter”	means a device for measuring and totalling the variable consumption of electrical energy;
“meter-reading period”	means the period extending from one reading of a meter to the next;
“meter cabinet”	means an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment as determined by the Council and designed to operate at low voltage;
“occupier”	in relation to any premises means : <ul style="list-style-type: none"> (a) Any person in occupation of a premises at any relevant time; (b) any person legally entitled to occupy the premises; (c) any person in control or management of a premises; * “owner” in relation to any premises means:- (d) The person in whose name the premises is registered or the person’s authorised agent; (e) if the owner is deceased, insolvent, mentally ill, a minor or

	under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity;
	(f) if the premises is leased and registration in the Deeds Office is a prerequisite for the validity of the lease, the lessee;
	(g) a person receiving rent or profit issuing there from, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
	(h) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;
“owner”	means and includes the registered owner of the land or premises, or his authorised agent, or any person receiving the rent or profits issuing there from, or who would receive such rents or profits, if such land or premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
“point of control”	means the point of control as defined in the Regulations;
“point of consumption”	means a point of consumption as defined in the Regulations;
“point of metering”	means the point at which the consumer’s consumption or electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Council or the electrical installation of the consumer, as specified by the Council, provided that it shall meter all of, and only, the consumer’s consumption of electricity;
“point of supply”	means point of supply as described in the Regulations;
“premises”	means any erf or any other portion of land including any building or any other structure thereon, above or below the surface thereof and includes any aircraft, vehicle or vessel.
“prepayment meter”	means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;
“regulations”	means regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;
“safety standard”	means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;
“service connection”	means the cable or conductor leading from the supply main to the point of supply of the electrical installation including any high voltage or other equipment connected to that cable or conductor, any meter, and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Council;
“service fuse” or “service circuit breaker”	means a fuse or service circuit breaker belonging to the Council and forming part of the electrical circuit of the service connection;
“skilled person”	means any person who in the opinion of the Council, is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to medium voltage, his experience and knowledge of

	electrical practice taken into consideration;
“special supply at low voltage”	means a supply of electricity exceeding 40 kVA at low voltage;
“supply”	means a supply of electricity from the supply main;
“supply main”	means any cable or wire forming that part of the Council’s electrical distribution system to which service connections may be connected;
“tariff”	means the tariff, charges, fees or any other monies payable as determined by the Council in terms of section 4 of the Systems Act (Act 31 of 2000);
“the Act”	means the Occupational Health and Safety Act 85 of 1993 and the Regulations promulgated there under;
“treasurer”	means the head of the Revenue Collection undertaking of the Council or any duly authorised official in such undertaking;
“other terms”	all other terms used in these By-laws shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act (Act 41 of 1987), as amended, or the Occupational Health and Safety Act (Act 85 of 1993), as amended, or the Municipal System Act (Act 31 of 2000), as amended.
“working days”	means the days that the Council is open for business and shall exclude weekends, public holidays and the period starting from the Christmas public holidays until the end of the New Year public holidays.

(2) **Interpretation of terminology used**

- a) All references made to the male gender shall also include the female gender, and vice versa;
- b) all references to singular shall also mean the plural;
- c) all references to a person shall include both a natural person and/or a legal entity established in terms of any relevant Act or other legislation.

2. Application for and conditions of supply

- (1) Application for a supply shall be made to and in a form prescribed by the Council.
- (2) The Council may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with these By-laws or other applicable legislation.
- (3) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Council, who may specify any special conditions to be satisfied in such case.

3. Consumer’s agreement

- (1) No person shall use or be entitled to use an electrical supply from the Council unless or until such person has entered into an agreement in writing with the Council for such supply, and such agreement together with the provisions of these By-laws shall in all respects govern such supply. If a person uses an electrical supply without entering into an agreement he shall be liable for the cost of electricity and

any other costs incurred by Council in such circumstances.

- (2) The charge payable for electricity used shall be in accordance with the applicable tariff as per the tariff schedule as determined by the Council.
- (3) No person shall use a supply unless a consumer's agreement, as contemplated in 3(1) has been concluded with the Council; Provided that any consumer who was a consumer prior to the promulgation of these By-laws, shall be deemed to have concluded a consumer agreement with the Council in terms of 3(1).
- (4) The Council may decide whether a consumer's agreement shall be concluded by Council with the owner of the premises or with the occupier of the premises, or with both, or with any duly authorised person acting on their behalf.
- (5) No person shall, without first having obtained the Council's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.
- (6) Should the consumer fail to pay the account referred to in 7(7), the electricity supply may be discontinued without notice.

4. Termination of consumer's agreement

- (1) Subject to the provision of section 7(9) and (13), the consumer's agreement may be terminated by the consumer, or his authorised representative, or by the Council giving 14 days notice in writing calculated from the date of service thereof. Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the following workday.
- (2) After a consumer's agreement has been terminated, any consumption recorded before another consumer's agreement is concluded in respect of the same premises, shall, until the contrary is proved, be deemed to have been consumed by the owner of the premises who shall be liable for payment of the charge as determined by the Council.

5. Continuation of supply to new consumers

- (1) The Council may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of supply.
- (2) The consumer who is a party to the new consumer agreement referred to in 5(1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

6. Deposits

- (1) The Council reserves the right to require the consumer to deposit a sum of money as security in payment of any charge, which are due or may become due to the Council. Such deposit shall not be regarded as being payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in these By-laws. The deposit amount shall be determined on the basis of the cost of the maximum consumption of electricity which the applicant, in the treasurer's opinion is likely to use during any two consecutive months.
- (2) Notwithstanding the foregoing provisions of this section the treasurer may, in lieu of a deposit, accept from the applicant, a guarantee for an amount calculated in accordance with section 6(1) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity. Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned

amounts to at least R2000,00.

- (3) The treasurer may at any time when the deposit or guarantee is found to be inadequate for the purposes of 6(1), require a consumer to increase the deposit made or to increase the guarantee furnished by him, in which event the consumer shall, within 30 days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Council may require, failing which the Council may discontinue the supply.
- (4) Any sum deposited by or on behalf of a consumer, shall be refunded within 30 days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Council.
- (5) Subject to the provision of 6(4), any person claiming a refund of a deposit or part thereof, shall either surrender the receipt which was issued for payment of the deposit, or if such receipt is not available, sign a receipt prescribed by the Council for the refund to him of such deposit or part thereof, and satisfy the Council that he is the person entitled to such refund.
- (6) If a deposit or part thereof has been refunded in accordance with 6(5), the Council shall be absolved from any further liability in respect thereof.
- (7) The consumer's agreement may contain a provision that any sum deposited by the consumer, shall be forfeited if it is not claimed within 1 year of either such agreement having been terminated or for any reason, the consumer has ceased to receive a supply in terms of such agreement.
- (8) If a consumer applies to the Council for a supply of higher capacity, the treasurer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of 6(2) before such supply is provided.

7. Accounts

- (1) The Council shall, in respect of each scale of the tariff governing a supply, provide the number of meters that it deems necessary. The consumer shall be liable for all charges for all electricity supplied to his premises at the prescribed tariff rates.
- (2) The Council may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period as provided for in 7(4) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum by him as settlement of the provisional account.
- (3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- (4) The amount of a provisional account referred to in 7(2) shall be determined by the Council with reference to previous consumption, reflecting what would in Council's opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account. If there has been no such previous consumption the Council shall determine the amount of the said account with reference to consumption on similar premises which, in Council's opinion afford reasonable guidance.
- (5) A consumer's decision to dispute an account shall not entitle him to defer payment beyond the due date stipulated in the account.
- (6) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any grounds other than inaccuracy of the meter, the Council shall make such enquiries and tests as it deems necessary and shall, if satisfied that the consumer has been wrongly charged, adjust the account accordingly. Provided that no such adjustment shall be made in respect

of a period in excess of 36 months prior to the date on which the wrong charge was observed or the Council was notified of such wrong charge by the consumer. Any costs incurred by Council as a direct result of a consumer complaint that in Council's opinion proved to be without grounds, shall be charged to the consumer.

- (7) All accounts shall be deemed to be payable when issued by the Council and each account shall, reflect the due date and a warning indicating that the supply may be disconnected without notice should the charges in respect of such supply remain unpaid after the due date. The warning shall be deemed to be the notice served on the consumer of such disconnection.
- (8) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account is rendered.
- (9) Where a duly authorised official of the Council has visited the premises for the purpose of disconnecting the supply in terms of 7(7) and he is obstructed or prevented from effecting such disconnection the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (10) After disconnection for non-payment of an account or contravention of any provision of these By-laws, the prescribed fees and any amounts due for electricity consumed shall be paid before reconnection is made.
- (11) The Council may charge interest on overdue accounts at a rate of interest which is one percent higher than the rate of interest payable by the Council to its bank for an overdraft.
- (12) The date on which the payment of interest on arrear accounts will come into effect shall be the day after the due date of the account.
- (13) The meter reading period shall be as close to 30 days as possible within the bounds of practical considerations.

8. Reading of meters

- (1) The account for electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading. A multiplication factor will be applied to the reading where applicable.
- (2) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Council's records shall be prima facie proof that the meter showed the reading which the entry purports to record.
- (3) If, at the request of a consumer, the meter is read by an authorised employee or contractor of the Council at a time other than the date set aside by the Council for that purpose, a charge determined by the Council shall be payable by such consumer for such reading.
- (4) If for any reason a meter cannot be read, the Council may render an estimated account. The energy consumption shall be adjusted in a subsequent account in accordance with the actual energy consumption.
- (5) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (6) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in

respect of accounts for a period of 36 months preceding the date on which the error in the accounts was discovered, shall be free of interest up to date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period.

- (7) In the event of the Council not being able to gain access to a meter for two consecutive meter readings the Council may forthwith discontinue the supply of electricity with respect to the premises to which that meter relates.

9. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for credit remaining in the meter shall be made to the consumer.
- (4) The Council may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

10. Testing of meter

- (1) If a consumer or owner has reason to believe that a meter is not registering correctly, the consumer or owner may request the Council to have the meter tested. Such request must be accompanied by the fee prescribed in the tariff for the testing of meter, and the Council shall as soon as possible thereafter test the meter. The fee shall be refunded if the meter is shown by the test to be registering incorrectly.
- (2) The Council's finding as to the accuracy of a meter after the test referred to in 10(1) has been carried out shall be final. A meter shall be conclusively presumed to be registering accurately if it satisfies the requirements prescribed in NRS 057 Part 2: Electricity Metering: Minimum Requirements.
- (3) The engineer shall, immediately before removing a meter for testing, take a reading of that meter and the current meter reading period shall be terminated at the time of such reading.
- (4) If after testing a meter, the Council is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with section 11.
- (5) The Council shall have the right to test its metering equipment. If it is established by a test or otherwise that such metering equipment is defective, the Council shall – in the case of a conventional meter, adjust the account rendered in accordance with section 11 or in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering, in accordance with the provisions of section 11.
- (6) In case of a dispute, the consumer shall have the right to request the Council to have the metering equipment under dispute tested at his own cost by an independent tester, accredited by the South African Accreditation Services and the result of such test shall be final and binding on both parties.

11. Failure of meter to register correctly

- (1) When the Council is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer:-
- (a) Shall be charged in respect of the current meter reading period the same amount as he paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated

by an alteration to the electrical installation of the tariff; or

- (b) if he was not in occupation of the premises during the corresponding period referred to in 11(1)(a) he shall be charged on the basis of his consumption during the 3 months preceding the date on which the meter was found to be registering incorrectly; or
- (c) if he was not in occupation of the premises during the whole of the period referred to in 11(1)(b) he shall be charged on the basis of his consumption during the 3 months following the date from which the meter was again registering correctly.

- (2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in 11(1)(a), the consumer may similarly be charged for the corresponding meter reading periods, provided that no amount shall be so charged with respect to a period in excess of 36 months prior to the date on which the meter was found to be registering incorrectly.

12. Disconnection of supply

- (1) The Council shall have the right to disconnect the supply to any premises if the person liable to pay for such supply fails to pay any charge due to the Council in connection with any supply which he may at any time have received from the Council in respect of such premises, or, where any of the provisions of these By-laws and/ or the Regulations are being contravened, after notice has been given to the occupier. After such disconnection, the fee as prescribed by the Council shall be paid before reconnection.
- (2) When conditions are found to exist in an electrical installation which in the opinion of the Council constitutes a danger or potential danger to person or property or interferes with the supply to any other consumer, the Council may, without notice, disconnect that installation or any part thereof until such conditions have been remedied or removed.
- (3) The Council may without notice temporarily discontinue the supply to any electrical installation for the purpose of effecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (4) The Council shall, on application by a consumer, in a form prescribed by the Council, disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.
- (5) When an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Council, or where Council's equipment has been tampered with to prevent full registration of consumption by the meter, the electricity supply shall be physically removed from those premises and will only be reinstalled upon payment of the applicable fee, as prescribed in the tariff of charges.
- (6) The Council shall not be liable for any loss or damage, direct or consequentially suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuation of the supply of electricity, unless caused by negligence on the part of the Council.

13. Unauthorised connection

- (1) No person shall personally, nor shall they permit anyone else to connect or reconnect or attempt to connect or reconnect any electrical installation to the point of consumption, the electricity supply, the service connection or supply main except an employee of the Council, a contractor, or a person in the service of a contractor or consumer, authorised to do so by the Council.
- (2) If the supply to any electrical installation is disconnected, the consumer concerned shall take all reasonable steps within his power to ensure that such supply is not reconnected in contravention of 13(1).

- (3) If such supply is nevertheless so reconnected after it has been disconnected by the Council the consumer concerned shall forthwith take all reasonable steps within his power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the Council of such reconnection.
- (4) If the consumer contemplated in 13(2) or 13(3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subsections.
- (5) Any contravention or failure to comply with the provision of this section, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved by the consumer, it shall be deemed that the contravention was due to an intentional act or omission of the person charged.
- (6) Where a supply that has previously been disconnected is found to have been reconnected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply is found to be reconnected and any other charges raised in this regard.

14. Resale of electricity

- (1) Where a person resells electricity supplied by the Council, such electricity shall, in respect of each purchaser, be metered through a sub-meter approved by the Council.
- (2) The Council shall not be held liable for any inaccuracy or other defect in any sub-meter whether or not the Council has approved such sub-meter or the installation thereof.
- (3) The charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the Council. With the understanding that the reseller may divide his total units purchased into his total account received from Council to arrive at a cent per kWh unit charge. The reseller can then use this c/unit charge to bill his customers.
- (4) The conditions of resale shall not be less favourable to the purchaser than the terms on which the Council supplies electricity. The reseller may however recover the administrative cost incurred in metering and billing, from the person so supplied with electricity, provided that at the request of such person, the reseller shall furnish such person with such information as may be necessary to enable him to determine whether the administration costs are fair and reasonable and every such purchaser shall be entitled to require the seller to furnish him with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him for electricity supplies are correct.

15. Installation diagram and specification

The Council may require a contractor to submit, for approval, a wiring diagram and specifications covering a proposed construction or, alteration, extension or repair to any electrical installation. Where the Council requires such a diagram and specification the proposed work shall not be commenced until they have been submitted and approved.

16. Inspection and tests

- (1) The Council may, at any reasonable time or in case of emergency, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of these By-laws or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.

- (2) Before any test or inspection in terms of this section is carried out the owner or the occupier shall be informed of the purpose thereof and if it is established that a breach of these By-laws has been committed, the Council shall, notwithstanding the provisions of 16(3) not be liable to restore and make good in terms thereof.
- (3) The Council shall, save as is provided in 16(2) restore and make good any disturbance damage to interference with the premises occasioned by any inspection or test made in terms of 16(1) .
- (4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he deems necessary, and if any work which the Council requires to inspect or test has been covered up the Council may require the contractor or the owner of the premises at no cost to the Council, to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the Council.
- (5) Every reasonable facility to carry out tests and inspections shall be afforded to the Council by the electrical contractor, the owner or the occupier of the premises and the aforesaid facilities shall in the case of a contractor, include the provision of suitable ladders.
- (6) Any person in possession of a Certificate of Compliance in the form of Annexure 1 for a new electrical installation, shall give the Council at least three working days notice before the supply is to be switched on.

17. Liability of Council and Contractor

- (1) Neither the Council's approval of an electrical installation after making any inspection or test thereof nor the granting by him of permission to connect the installation to the supply shall be taken as constituting for any purpose, a guarantee by the Council that the work has been properly executed or that the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (2) The Council shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

18. Service connection

- (1) The owner of the premises concerned or person acting on his behalf shall make application for the installation or reinstatement of a service connection in a form prescribed by the Council.
- (2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Council shall be paid to the Council before supply is authorized.
- (3) Every part of the service connection shall remain the property of the Council.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed, the Council may at its absolute discretion, refuse to supply electricity to that installation until all sums due to the Council by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner shall be entitled to require more than one service connection for a supply, to any premises, even if it comprises or occupies more than one stand. The Council may however, subject to such conditions as it deems fit to impose upon the owner, provide more than one service connection to a premises and where more than one service connection is so provided it shall be unlawful to

interconnect them.

- (6) In cases where more than one consumer on the same premises is provided with electricity from a single point by means of equipment belonging to the owner of the premises, the Council will not be responsible for any defects in the electricity supply whatsoever, that are caused by defects in the equipment of the owner of the premises.
- (7) The applicant for a service connection shall, before work on his installation is commenced, furnish the Council with such indemnity as it may specify.
- (8) The Council may, notwithstanding any indemnity given in terms of 18(7) refuse to install a service connection until it is satisfied that no person is entitled to object to such installation.

19. Sealed apparatus

Where any seal or lock has been placed by the Council on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Council, no person other than an employee of the Council, a contractor, a person in the service of a contractor or a consumer authorised by the engineer shall for any reason whatsoever remove, break, deface or otherwise interfere with any such seal or lock.

20. Tampering

- (1) No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any meter or service connection or service protection device or supply or any other equipment of the Council. Only an authorized employee of the Council may make any adjustment or repair thereto.
- (2) When as a result of illegal tampering by a consumer, it is necessary to make alterations to the metering system to prevent further tampering, the consumer shall be liable for the total cost of such alterations.

21. Liability for damage to service connection

- (1) The owner of the premises or the consumer shall be liable to make good to the Council any damage that may occur to the service connection or any part thereof or to any other Council apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Council.
- (2) If any damage occurs to the cable or any part of a service connection the consumer shall inform the Council as soon as he becomes aware of that fact and the Council or a person authorized by Council shall repair the damage. If the damage was caused by the consumer, he will be liable for the cost.

22. Type of supply

The Council may in any particular case determine whether the supply shall be medium or low voltage and the type of such supply.

23. Low voltage connection

- (1) Before a low voltage supply is given, the applicant or owner shall, if required to do so by the Council, provide a cabinet of approved design and construction for the accommodation of the Council's service connection, at no expense to the Council and in a position approved by the Council.
- (2) The consumer shall provide approved accommodation in an approved position, the meter board, and adequate conductors for the Council's metering equipment, service apparatus, protective devices and load management relays. Such accommodation and protection shall be provided and maintained, to the satisfaction of the engineer, at the cost of the consumer or the owner, as the circumstances may demand and shall be situated, in the case of conventional meters, at a point to which free and

unrestricted access can be had at all reasonable hours for the reading of meters and at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

- (3) Where sub-metering equipment is installed, accommodation separate from the Council's metering equipment shall be provided.
- (4) The consumer or in the case of a common meter position, the owner of the premises, shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (5) Where in the opinion of the Council, the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, at his cost within a reasonable time.
- (6) The accommodation for the Council's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective device. No apparatus other than that used in connection with the supply and use of electricity shall be installed or stored in such accommodation unless approved.

24. Medium voltage electrical installation

- (1) All the apparatus used in connection with a medium voltage electrical installation shall be of an approved design and construction.
- (2) Before any work is commenced in connection with a new medium voltage electrical installation or for the extension of an existing medium voltage installation, a site plan and a drawing showing in detail, to the Council's satisfaction, the particulars and layout of all proposed electrical apparatus together with full technical information concerning the apparatus, shall be submitted to the Council. No work shall be commenced until the proposed installation or extension has been approved.
- (3) No person other than an authorized skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with medium voltage apparatus.
- (4) Notwithstanding any approval previously given, the Council may at any reasonable time and in case of emergency at all times, inspect any high voltage apparatus and subject it to such test as may be deemed necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Council's satisfaction.
- (5) The owner or the consumer shall be liable to the Council for the cost of carrying out any of the tests referred to in 24(4) if any defect in the medium voltage or low voltage electrical installation is revealed thereby.
- (6) Notwithstanding anything contained in this section, no medium voltage apparatus, which has been newly installed, altered or extended shall be connected to the supply without the permission, in writing, of the Council, which permission shall not be given unless the requirements of this section have been complied with.

25. Enclosures for supply equipment

- (1) Where required by the Council, an owner shall, at no expense to the Council, provide and maintain an approved enclosure for accommodating the Council's and consumer's supply equipment in a position determined by the Council.

- (2) No person shall enter the enclosure accommodating the Council's supply equipment or touch or interfere with any apparatus therein, unless authorized to do so by the Council.
- (3) Every low voltage enclosure associated with a medium voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key shall, if required by the Council, be deposited with Council or provision shall be made for the fitting of an independent lock by the Council who shall be entitled to access to the enclosure at all times.
- (4) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a medium voltage enclosure and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Council and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- (5) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a medium voltage enclosure. Such access is to be direct to that part of the enclosure into which the medium voltage supply is led and not through the low voltage enclosure or through any door or gate, the lock of which is controlled by the consumer or the owner of the premises.
- (6) The Council may use any enclosure for supply equipment in connection with a supply to a consumer on premises other than those on which that enclosure is situated.

26. Permanently connected appliances

Appliances permanently connected to an electrical installation shall be approved by the Council.

27. Surge diverters

Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Council.

28. Position of cooking appliances

No heating or cooking appliance shall be installed, placed or used below any meter belonging to the Council.

29. Maintenance of installation

- (1) Any electrical installation on any premises connected to the supply must be maintained in good working order and condition at all times by the owner or consumer to the satisfaction of the Council.
- (2) The Council may require a consumer who takes a multiphase supply, to distribute his electrical load as approved by the Council, over the supply phase and must install such devices in the relevant services connection as it may deem necessary to ensure that this requirement is complied with.
- (3) No consumer shall operate electrical equipment having load characteristics or having unbalanced phase currents, which fall outside the standards determined by the Council.
- (4) The assessment of interference with other consumers shall be carried out by means of measurements taken at the point of common coupling.
- (5) If required by the Council, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (6) Where, for the purpose of complying with 29(5) it is necessary to install power factor correction devices, such corrective devices shall be connected to the individual terminals unless the correction of the power factor is automatically controlled.

- (7) No person shall, except with the consent of the Council and subject to such conditions as may be imposed:-
- a) Construct, erect or permit the erection of any building structure or other object, or plant, trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution system;
 - b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;
 - c) damage, endanger, remove or destroy or do any act likely to damage, endanger or destroy any part of the electrical distribution system;
 - d) make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electrical distribution system there from;
 - e) the owner shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Council will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Council shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;
 - f) The cost of any work carried out by the Council as necessitated by a contravention of this By-law, shall be for the account of the person who acted in contravention of section 29.
- (8) The Council may:-
- a) Demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of section 29;
 - b) fill in and make good any ground excavated or removed in contravention of section 29;
 - c) repair and make good any damage done in contravention of these By-laws or resulting from a contravention of section 29;
 - d) remove anything damaging, obstructing or endangering or likely to damage, obstruct endanger or destroy any part of the electrical distribution system.

30. Control apparatus

- (1) At times of peak load or in an emergency, or when, in the opinion of the Council, it is necessary for any reason to reduce the load on the electricity supply system of the Council, the engineer may without notice interrupt and, for such period as the engineer may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. The Council shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (2) The Council may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of 30(1), and the engineer or any duly authorized official of the Council may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding, the provisions of 30(2), the consumer or the owner, as the case may be, shall, when

installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the engineer may decide to facilitate the later installation of the apparatus and equipment referred to in 30(2).

- (4) The engineer may upon written request by a consumer consent to any apparatus not being connected to a control relay, in which event the consumer shall, for the period during which such apparatus is not so connected, pay a monthly charge determined by the Council.
- (5) The engineer may provide a set of electrical contacts which will close when the relay contemplated in 30(1) is operative, and which will enable the consumer to operate load control apparatus and warning devices.

31. Obstructing employees

- (1) No person shall refuse to give or fail to give such information as may reasonably be required of him by an duly authorised official of the Council or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (2) No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorized official of the Council in the performance of his duty under these By-laws or of any duty connected therewith or relating thereto.

32. Irregular supply

The Council shall not be liable for the consequences to the consumer or any other person of stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause, provided that compliance with the Electricity Act is maintained.

33. Complaints of failure of supply

If an authorized employee of the Council is called to a consumer's premises by any consumer to attend to a complaint concerning any failure of supply and the cause thereof is found to be due to the consumer's electrical installation, a charge determined by the Council shall be payable by such consumer for such attendance.

34. Owner's and consumers liability

- (1) The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation, except as provided in section 34(2) or other requirement imposed upon them by these By-laws.
- (2) The liability for compliance with any financial obligation in respect of the consumption of electricity, shall be the sole responsibility of the consumer.

35. Notices

- (1) Any notice or other document to be issued by the Council in terms of these By-laws shall be deemed to have been so issued if it is signed by an authorized official of the Council.
- (2) Where any notice or other document specified in these By-laws is to be served on any person, it shall be deemed to have been properly served if served personally on him or on any member of his household apparently over the age of 16 years at his place of residence or if sent by registered post to such person's last known place of residence or business as appearing in the records of the treasurer or, if such person is a company, served on an officer of that company at its registered office or sent by registered post to such office. If sent by registered post it shall, unless the contrary is proved, be deemed to have been received by the address on the fifth (5th) working day after the day on which it

was posted per pre-paid registered post.

36. Offences and penalties

- (1) Any person contravening or failing to comply with any provision of these By-laws shall be guilty of an offence and shall upon conviction thereof be liable for a fine not exceeding R20 000,00 or in default of payment to imprisonment for a period not exceeding 12 months.
- (2) The occupier, or if there be no occupier, the owner of any premises supplied with electricity, where a breach of these By-laws has occurred, shall be deemed to be guilty of that breach unless he proves that he did not know and could not by the exercise of reasonable diligence have known that it was being or was likely to be committed and that it was committed by some other person over whose acts he had no control.
- (3) Any person who contravenes the provisions of section 13 and who is as a consequence thereof, not charged for electricity which has been consumed or is charged for such electricity at a rate lower than that which he should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the Council the sum which would have been paid had the said offence not been committed. Such sum shall be calculated in terms of the highest charge, which could have been made according to the tariff applicable from the date when the contravention f i r s t took place.

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LOCAL AUTHORITY NOTICE 1610 OF 2015

**BY-LAWS RELATING TO ADVERTISING SIGNS AND THE DISFIGUREMENT OF
THE FRONT OR FRONTAGES OF STREETS****Definitions**

- (1) In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

“aerial sign” shall mean any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the municipality.

“authorised employee” shall mean any employee authorised thereto by the municipality.

“clear height” of a sign shall mean the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign.

“depth” of a sign shall mean the vertical distance between the uppermost and lowest edges of such sign.

“display of a sign” shall include the erection of any structure if such structure is intended solely or primarily for the support of such sign; and the expression “to display a sign” shall have a corresponding meaning.

“flashing sign” shall mean any illuminated sign, the light emitted from which does not remain constant in all respects.

“flat sign” shall mean any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm in front of the surface of such wall, but does not include a poster; provided, however, that a poster affixed to a main wall shall be deemed to be a flat sign if such poster is-

- (a) not less than 0.80m² in area;
- (b) bordered by a permanent frame fixed to such main wall; and

(c) maintained at all times in an un mutilated and clean condition.

“municipality” means –

(a) the LESEDI LOCAL MUNICIPALITY or its successor-in-title; or
(b) the Municipal Manager of LESEDI LOCAL MUNICIPALITY in respect of the performance of any action or exercise of any right, duty, obligation or function in terms of these bylaws;

(c) an authorized agent of the LESEDI LOCAL MUNICIPALITY;

“municipal council” means the municipal council as referred to in section 157(1) of the Constitution, 1996, Act No. 108 of 1966;

“municipal manager” means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998. Act No. 117 of 1998; and includes any person –

(a) acting in such position; and

(b) to whom the municipal manager has delegated a power, function or duty in respect of such delegated power, function or duty;

“municipal services” means, for the purposes of these bylaws, services provided by the municipality which among others include the electricity, water and sanitation, refuse, advertisements and other services;

“main wall” or a building shall mean any external wall of such building but shall not include a parapet wall, balustrade or railing of a veranda or a balcony.

“new sign” shall mean any sign first displayed after the promulgation of these by-laws.

“overall height” of a sign shall mean the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign.

“person” in relation to the display or alternation of or the addition to a sign, or in relation to the intended or attempted display or alternation of, or addition to a sign, shall include the person at whose instance such sign is displayed, altered or added to, or at whose instance such sign is intended or attempted to be displayed, altered or added to, as the case may be; and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person unless he proves the contrary.

“poster” shall mean any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

“projecting sign” shall mean any sign which is affixed to a main wall and which at some point projects more than 250mm in front of the surface of such wall.

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

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

“running light” means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

“sign” shall mean any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed.

“sky sign” shall mean any sign that is fixed above the roof of a building other than a roof of a veranda or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems.

“thickness” of a projecting sign shall mean the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is affixed.

Disfigurement

- (2) (a) No person shall by means of posters or other signs disfigure the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building otherwise than is provided in these by-laws and any person who contravenes the provisions of this section shall be guilty of an offence.
- (b) The municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.

Submission and Approval of Application to Display Sign

- (3.1) Save as in section 22(2) is provided, every person intending to display a new sign or to alter or to add to an existing sign (hereinafter referred to as the “applicant”) shall make written application to the municipality in the form prescribed in the Schedule to these by-laws, submitting therewith the

prescribed fees determined by the municipality and plans drawn in accordance with the following requirements:-

- (i) The Plans shall be drawn in blank ink on tracing linen or stout durable drawing paper or shall be linen prints with black lines on a white background. Such form and plans shall be in duplicate (one set of which shall become the property of the municipality) and shall be dated and signed in ink by the applicant or by a person authorised by such a person in writing to sign on his behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.
 - (ii) Where the sign is to be affixed to a building the plans shall include an elevation and a section of the façade and, where necessary of the roof of the building, drawn to a scale of 1:100 upon which shall be depicted the sign, any other signs affixed to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features. The location of the sign relative to the ground level and, where necessary, the kerb line shall also be shown on such elevation and section.
 - (iii) Where the sign is not to be affixed to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation, plan and section drawn to the scale of 1:100.
 - (iv) Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself as may be necessary to show whether it complies with these by-laws, accurately drawn to a large enough scale (but in no event less than 1:50) shall also be included.
 - (v) The plans shall also depict full details of the structural supports of the sign, drawn to a scale of 1:20.
 - (vi) The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street and the distance to and the name of the nearest named cross-street, and showing the direction of true north.
 - (vii) The plans shall indicate the materials of which the sign is to be constructed, the manner in which the lettering thereof is to be executed, the colours to be used, and whether or not the sign is to be illuminated; and in the latter event the plans shall indicate whether or not the sign is flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.
- (3.2) (a) notwithstanding the provisions of sub-section 3(1) it shall be lawful, subject to the provisions of section 6(1), to display any poster and to replace any poster by another poster of the same size without the consent of the municipality, if any such poster as aforesaid is displayed at a cinema or theatre, or other place of public

amusement, or on a hoarding, the erection and use of which for this purpose have been authorised by the municipality, or is a poster which, in terms of Section 1, is deemed to be a flat sign.

- (b) The municipality may, subject to such conditions as it may deem fit, including the payment of any fees by the applicant for its approval in terms of these by-laws, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.
- (3.3) The municipality shall, within 21 days after receiving the form and plans referred to in sub-section (1), specify to the applicant the provisions, if any, of these by-laws, or of any other laws that the municipality is required or empowered to administer, with which such form or plans do not comply; and the municipality shall, if it deems it necessary, return the form and plans to the applicant.
- (3.4) where the form and plans comply with these by-laws and any other laws as aforesaid, the municipality shall approve them and shall forward one set thereof to the applicant.
- (3.5) Approval granted in terms of sub-section (4) shall become null and void if the sign has not been completed in accordance with the approved form and plans within twelve months of date of such approval.

Existing Signs to comply with by-laws

- (4.1) every sign existing at the date of the promulgation of these by-laws shall be made to comply therewith in all respects within a period of one year from the date of such promulgation. Where any sign does not so comply after the said period of one year, it shall forthwith be removed.
- (4.2) Where any sign not complying with the provisions of these by-laws has not been made to comply therewith within the aforementioned period of one year, or where any sign has been erected which is not in conformity therewith the municipality may, in writing, order the owner thereof to remove such sign within a period stipulated in such order.
- (4.3) Whenever, through change of ownership or occupancy or change in the nature of the business, industry, trade or profession conducted on any premises or through the erection of new traffic signal lights or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with these by-laws, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with these by-laws.

Enforcement

- (5.1) Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, and existing sign without the prior approval of the municipality given in terms of section 3, where such approval is required by the said section 3, shall be guilty of an offence.

- (5.2) Any such person shall forthwith, after service on him of an order in writing to that effect under the hand of the authorised employee of the municipality, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alternation or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.
- (5.3) Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the municipality shall be guilty of an offence.
- (5.4) Any such person shall forthwith, after the service upon such a person, of an order in writing to that effect under the hand of the authorised employee of the municipality, discontinue or cause to be discontinued such departure, and any person who fails to comply with such order shall be guilty of an offence.
- (5.5) Whether or not any such order as is referred to in sub-sections (2) and (4) has been served on any such person, the municipality may serve upon such person an order in writing requiring such person forthwith to begin to remove or obliterate such sign or anything referred to in sub-section (3) and to complete such removal or obliteration by a date to be specified in such order, which date may be extended by the municipality as it may deem fit.
- (5.6) If before the date for completion of the removal or obliteration required by such order, such person satisfies the municipality that he has complied with these by-laws, the municipality may withdraw such order.
- (5.7) Where any person displaying a sign contravenes any of the provisions of these by-laws other than those relating to the matters referred to in sub-section (1) and (3), the authorised employee of the municipality may serve a notice in writing under his or her hand upon such person, and in such notice shall cite the provisions contravened and shall specify the things to be done in order that such provisions may be complied with.
- (5.8) Any person who fails to comply with any order referred to in sub-section (5) or with the terms of any notice referred to in sub-section (7) shall be guilty of an offence, and in addition the municipality itself may give effect to such order or notice at the expense of such person.

Subject Matter of Signs

- (6.1) No sign on any premises shall contain any words, letters, figures, symbols, pictures or devices (hereinafter called "subject matter") unless every part of such subject matter falls into one or more of the following categories:-
- (a) The name, address and telephone number of such premises or part thereof.
 - (b) The name of the occupier of such premises or part thereof.
 - (c) A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier thereof.

- (d) Any information, recommendation or exhortation concerning, or any name, description, particulars or other indication of-
 - (i) any goods, not being samples, regularly and lawfully manufactured, kept and sold or kept and offered for sale on such premises; or
 - (ii) any services regularly and lawfully rendered or offered on such premises; or
 - (iii) any catering or any entertainment or amusement or any cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises;

provided that this paragraph shall not be construed as permitting any subject matter which, in the opinion of the municipality is an evasion of or not in accordance with the intent of this paragraph.

- (6.2) Notwithstanding the provisions of sub-section (1), the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed on the part of such premises used for residential purposes.
- (6.3) The provisions of this section shall not apply to any sign referred to in paragraph (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xv) or (xvi) of section 22(2).
- (6.4) Where a sign is displayed by means of a device whereby a service of consecutive signs is displayed at one place, the provisions of sub-section (1) shall, subject to the following conditions, not apply to any such sign so displayed:-
 - (a) No sign in such series, other than a sign permitted in terms of sub-section (1), shall be displayed on any one occasion for a longer period than twenty seconds.
 - (b) The individual signs consecutively displayed within any particular 10-minute period shall all be completely different from one another in so far as their subject matter is concerned; provided that this paragraph shall not apply to any sign permitted in terms of sub-section 9(1).
 - (c) Where such device is capable of displaying news or of providing entertainment it shall not be operated in any position or place where, in the opinion of the municipality, such operation is calculated to bring about or to aggravate congestion of vehicular or pedestrian traffic.
 - (d) No such device whether or not it is capable of displaying news or of providing entertainment shall be operated in any position or place where in the opinion of the municipality such operation or any gathering of persons brought about thereby is calculated to detract from the amenities of the neighbourhood or to depreciate the property or to cause a public nuisance.
 - (e) No such sign shall have a clear height of less than 9m.

- (f) Notwithstanding the granting of approval by the municipality for the display of signs referred to in this sub-section, the municipality shall be entitled at any time thereafter to revoke such approval if it is satisfied that the display of such signs is in contravention of paragraph (a), (b) or (e) or is bringing or has brought into existence the conditions referred to in paragraph (c) or (d).
- (6.5)
- (a) Where the municipality, by notice in writing, informs any person displaying signs referred to in sub-section (4) of the revocation of its approval for such display, such person shall forthwith cease to display such signs and shall remove the device by means whereof such signs are displayed by a date to be specified in such notice, which date may be extended by the municipality as it may deem fit.
 - (b) Any person who fails to comply with any notice referred to in paragraph (a) shall be guilty of an offence, and in addition the municipality itself may give effect to such notice at the expense of such person.

Signs allowed on Buildings

- (7) The following signs and no others may be affixed to or painted on buildings; provided that the municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein:-
- (a) Flat signs
 - (b) Projecting signs
 - (c) Sky signs
 - (d) Signs affixed to or painted on verandahs or balconies.
 - (e) Signs painted on sunblinds affixed to buildings.
 - (f) Any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) of section 22(2); provided that all the conditions applicable to such sign are complied with.
- (7.1) Flat signs shall not exceed, in aggregate area, 40m² or one-quarter of the overall area of the main wall to which they are affixed or on which they are painted, whichever of these figures is the lesser; provided that the municipality may fix a lesser aggregate area for any flat sign.
- (7.2) No flat sign shall extend above the top of such main wall or beyond either end of such main wall.
- (7.3)
- (a) Where a building which is adjacent to another building, and which extends over the boundary line of the prospective width of a proclaimed road or public street, is demolished either wholly or partially and is reconstructed in such a manner that it no longer extends over the aforementioned boundary line, no flat sign will be permitted on the sidewall of such other building facing the building so

re-constructed, in so far as the said sidewall extends over the aforementioned boundary line.

- (b) For the purposes of this section-
- (i) "prospective width" in relation to a proclaimed road shall mean the statutory width as contemplated by any enactment promulgated by any legislative body which has legal competency to pass legislation on such a matter and in relation to a public road shall mean the width whereto it is to be widened in accordance with a town planning scheme whether in the course of preparation, awaiting approval or in operation;
 - (ii) "adjacent" shall mean a distance of 6m or less.

Projecting Signs

- (8.1) No part of any projecting sign shall project in front of the main wall to which such sign is affixed to a greater extent than-
- (i) 1.5m in the case of a sign which has a clear height of not less than 7.5m; of
 - (ii) 1m in the case of any other sign;
- provided, however, that where such a sign has a clear height of less than 7.5m-
- (a) any portion of such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two successive portions, if any, so projecting; and
 - (b) any such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two such signs, if any, which are in the same vertical plane.
- (8.2) No projecting sign shall extend above the top of the main wall to which it is affixed.
- (8.3) The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.
- (8.4) A projecting sign shall not exceed 600mm in thickness.

Sky-signs

- (9.1) The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.
- (9.2) No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.

- (9.3) The length of a sky sign shall not exceed:-
- (i) 14m, if the depth of such sky-sign does not exceed 4.5m, or
 - (ii) 18m, if the depth of such sky-sign exceeds 4.5m.
- (9.4) Subject to the preceding provisions of this section a council may allow a sky-sign in excess of 18m in length whenever the street frontage of a site exceeds 55m, provided that-
- (i) such sky-sign shall consist of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems, and
 - (ii) the length of such sky-signs shall not exceed one-third of the length of the road frontage of such site, and
 - (iii) such sky-sign shall be erected parallel to the road frontage of such site, and
 - (iv) if, as a result of the road frontage of such site being reduced, such sky-sign ceases to comply with the preceding provisions of this section, the owner of such site shall forthwith remove such sky-sign or alter it so as to comply with such provisions.

Signs on Verandas and Balconies

- (10.1) The following signs and no others may be affixed to or painted on verandas and balconies:-
- (i) Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a veranda or a balcony.
 - (ii) Signs affixed flat on to or painted on a beam or fascia of a veranda or a balcony.
 - (iii) Signs suspended below the roof of a veranda or the floor of a balcony.
- (10.2) No sign affixed to a parapet wall, balustrade or railing of a veranda or a balcony shall exceed 1m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250mm in front of such parapet wall, balustrade or railing.
- (10.3) No sign affixed to a beam or fascia of a veranda or balcony shall exceed 600mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250mm in front of such beam or fascia. Where any such sign is affixed to a beam which is at right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1.8m in length.
- (10.4) No sign suspended below the roof of a veranda or the floor of a balcony shall exceed 1.8m in length or 600mm in depth. Every such sign shall be at right angles to the building line.

- (10.5) notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a veranda or balcony, subject to the following conditions:-
- (i) Such sign shall be composed of a single line of freestanding, individual, cut-out silhouette letters.
 - (ii) Such sign shall lie in the vertical plane passing through the foremost edge of such roof, being an edge parallel to the kerb line.
 - (iii) The subject matter of such sign shall be limited to that referred to in paragraphs (a), (b) and (c) of section 6(1).
 - (iv) The depth of such sign shall not exceed 600mm.
- (10.6) Notwithstanding the provisions of section 17(1) it shall be permissible for a sign suspended below the roof of a veranda or the floor of a balcony to be bordered by a running light, provided that such running light border shall be not more than 75mm in width.

Signs over Footways and Roadways

- (11.1) Any sign projecting over a footway forming part of a public road shall be not less than 2.4m in clear height, provided that a flat sign in the form of a showcase for the display of goods may project not more than 50mm over such footway if such footway is not less than 1.5m wide, irrespective of the clear height of such showcase.
- (11.2) Any sign projecting more than 150mm over any place where persons may walk, if such place is not a footway forming part of a public road, shall be not less than 2.1m in clear height.
- (11.3) No part of a sign projecting over a footway forming part of a public road shall be nearer than 300mm to a vertical plane through the kerb line of such footway.
- (11.4) Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6m in clear height.

Prohibited Signs

- (12.1) Notwithstanding anything in these by-laws contained; the following types of sign are prohibited:-
- (a) Swinging signs, loose portable signs (other than signs designed for the purpose of being carried through the streets and signs on portable racks or other articles for containing and displaying goods), aerial signs and other signs not rigidly fixed.
 - (b) Posters, except:-
 - (i) any poster referred to in section 3(2) of these by-laws;
 - (ii) any poster comprising any such sign as is referred to in paragraph (i), (ii), (iii), (iv), (v), (vi), (vii), (x), (xv) or (xvi) of section 22(2) of these by-laws.

- (c) Any sign which is so placed as to obstruct, obscure, interfere with, or otherwise be likely to introduce confusion into the effective working of any traffic sign.
- (12.2) No person shall exhibit in any place to which the public has access or shall expose to public view, any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an indecent, obscene, repulsive, revolting or objectionable character, or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons.
- (12.3) Any person contravening the provisions of sub-section (2) shall be guilty of an offence.

Signs on Walls, Fences and Hoardings

- (13.1) Except as in section 22 provided, no sign shall be affixed to or painted on a wall (other than a wall of a building), a fence or a hoarding, unless, in the opinion of the municipality, such wall, fence or hoarding serves primarily either to conceal a condition or attribute of the property on which such wall, fence or hoarding is erected, which condition or attribute is unsightly by reason of the use to which such property is lawfully being put, or unless such wall, fence or hoarding is a temporary measure to protect the public in the neighbourhood of building, demolition or similar operations.
- (13.2) In granting its approval in terms of section 3 for the affixing or painting of any such sign, the municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.
- (13.3) Every such sign affixed or painted in terms of this, section shall comply with the following requirements:-
 - (i) No such sign shall exceed 3m in depth or 4.2m in overall height.
 - (ii) Poster signs shall be enclosed with definite panels, which shall be uniform in size and level.

Signs on poles and other structures

- (14.1) Except as in section 22 provided, no sign shall be affixed to or painted on a pole or any other structure which is not a building, wall, fence or hoarding unless-
 - (i) such sign is indispensable for the effectual conduct of the activity in connection with which it is displayed and
 - (ii) either-
 - (a) it is impracticable to display a sign effectually at the premises concerned except by affixing a sign to or painting a sign on a pole or other structure as aforesaid, or
 - (b) in the opinion, of the municipality a particular sign intended to be affixed to or painted on a pole or other structure as aforesaid would not detract from the amenities of the

neighbourhood or depreciate neighbouring property to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of these by-laws would do.

- (14.2) Where in the opinion of the Municipality, serious difficulty is experienced by the public in finding the way to a factory in an industrial zone, the Municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions:-
- (i) Not more than one such signboard shall be erected on any one erf; but it shall be permissible to indicate the direction to more than one factory on any such signboard.
 - (ii) The subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers, and essential directional information; and the lettering employed shall not exceed 100mm in height.
- (14.3) Where in its opinion this is reasonably required, the Municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township. Such signboard shall not exceed 3,6m in area, and the lettering employed thereon shall not exceed 100mm in height.
- (14.4) In granting its approval in terms of section 3 for the display of any sign referred to in sub-section (1), (2) or (3) of this section the Municipality may grant such approval for a limited period only; on the expiry of such period the person displaying such sign shall forthwith remove it.

Signs on Vehicles and Signs Carried through the Street

- (15.1) No person shall carry or cause to be carried in any public road any sandwich board, lantern, flag, banner, screen or other movable advertising device if such board, lantern, flag, banner, screen or other device hinders or obstructs traffic in such road, or is likely to do so.
- (15.2) No person shall drive or propel or cause to be driven or propelled in any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic in such road, or is likely to do so.
- (15.3) Any person who contravenes the provisions of sub-sections (1) or (2) shall be guilty of an offence.

Illuminated Signs

- (16.1) No flashing sign shall be less than 9m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or to cause confusion with traffic signals.

- (16.2) No sign that is so intensely illuminated as to create a nuisance shall be displayed.

Structural Requirements

- (17.1) Every sign affixed to a building or structure shall be rigidly attached thereto. Every sign which is affixed to the ground and every structure supporting a sign, which structure is affixed to the ground, shall be rigidly anchored to the ground. Every sign and its supports and anchorages, and the building or structure, if any, to which it is affixed, shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1.5kPa.
- (17.2) All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof. Such bolts shall be not less than 12mm in diameter.
- (17.3) Every sign affixed to a building or a wall shall be supported by at least four independent supports so designed and disposed that any two of such supports will safely support the sign with a safety factor of 2.
- (17.4) All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.
- (17.5) Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all time and any person who contravenes the provisions of this sub-section shall be guilty of an offence.

Use of Glass

- (18) All glass used in signs (other than glass tubing used in neon and similar signs) shall be plate glass at least 5mm thick.

Fire Precautions

- (19) Except as in section 22 provided, all illuminated signs and supports thereof shall be of incombustible material; provided that the municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.

Electrical Requirements

- (20.1) No sign shall be illuminated except by electricity from the municipality's mains where such supply is available.
- (21.2) Every sign in connection with which electric current is used shall be provided with an external switch in a position to be determined by the municipality whereby the electricity supply to such sign may be switched off.

Exemptions

- (22.1) The provisions of these regulations shall not apply to any sign inside a building, except illuminated signs in shop windows.

- (22.2) There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories:-
- (i) Any sign displayed by the municipality or by any person lawfully authorised to conduct an approved system of transport for use by the public, and any sign affixed to a street pole with the written permission of the municipality.
 - (ii) Any sign inside a shop window.
 - (iii) Any advertisement appearing in a newspaper or periodical sold in the streets and any poster in connection therewith.
 - (iv) Any sign temporarily displayed on the occasion of-
 - (a) any public thanksgiving, rejoicing or mourning, or
 - (b) any other public function or occasion to which the municipality may apply the provisions of this paragraph.
 - (v) Any sign displayed on any vehicle ordinarily in motion upon, and any sign carried in, public roads.
 - (vi) Any unilluminated sign not projecting over a public road and not exceeding 0.60m² in area, notifying only that the premises to which it is attached are to be sold on a date specified in such sign, or that a sale of furniture or household goods is to take place therein on a date specified in such sign (neither of which dates shall be more than one month after the date when the sign is first displayed); provided that only one such sign is displayed on any public road frontage of such premises and that it is removed within seven days after the said specified date.
 - (vii) Any unilluminated sign not projecting over a public road and not exceeding 0.20m² in area, notifying only that the premises to which it is attached are for sale or to let or that lodgers and boarders may be received therein; provided that only one such sign is displayed on any public road frontage of such premises.
 - (viii) Any unilluminated sign not projecting over a public road and not exceeding 1.2m in area, comprising only the name, address and telephone number of any building or premises not used for purposes of industry or trade, and attached to such premises; provided that only one such sign is displayed on any public road frontage of such premises.
 - (ix) Any unilluminated sign not projecting over a public road and not exceeding 0.20m² in area, notifying only the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the address and telephone number of such premises and the hours of attendance (if any); provided that only one such sign is displayed by any occupant on any public road frontage of such premises.

- (x) Any unilluminated sign not projecting over a public road and not exceeding 0.60m² in area, advertising a function to be conducted on a date specified in such sign on the premises to which it is attached; provided that such function is not conducted for the private gain of any individual; provided further that such date is not more than one month after the date when such sign is first displayed; and provided lastly that only one such sign is displayed on any public road frontage of such premises and that it is removed within seven days after the said specified date.
- (xi) Any unilluminated sign not projecting over a public road, which serves only for purposes of warning or indication of direction in relation to the premises to which such sign is attached, and which is no bigger or higher than is reasonable necessary for the effectual performance of its functions.
- (xii) Any sign painted directly on, or forming part of the permanent fabric of a wall of a building.
- (xiii) Any sign painted or otherwise executed on the glass of any window.
- (xiv) Any sign painted directly on a veranda or balcony if it complies with section 11.
- (xv) Any sign required to be displayed by law.
- (xvi) Any sign displayed at premises upon which building operations are taking place relating to any services being provided, or any work being done, or any goods being supplied in connection with such operations provided that any such sign shall be forthwith removed when the provision of such services or the doing of such work or the supply of such goods, as the case may be, has ceased.

Savings

- (23) Nothing in these by-laws contained shall be construed as affecting in any way rights belonging to, or duties imposed upon, the municipality as the body in whom is lawfully vested the ownership of, or the control over, any public road or other place or thing whatsoever within its area of jurisdiction.

Waiver of Regulations

- (24.1) The municipality may, if it deems it desirable to do so, waive compliance with or relaxing the provisions of these by-laws; provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bounded thereby.
- (24.2) In each case in which such waiver or relaxation has been granted to any person, the municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived. In addition, the municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the municipality.

Penalty clause

- (25) Any person who contravenes or fails to comply with any provision of these by-laws and/or any notice issued thereunder shall be guilty of an offence and be liable, upon conviction, to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

Repeal of By-laws

- (26) All by-laws relating to advertising signs and the disfigurement of the front or frontages of streets adopted by the council of the municipality or any council of a municipality now forming an administrative unit of the municipality are, with effect from the date of promulgation of these by-laws, rescinded.

Short Title

- (27) These bylaws are known as Advertising bylaws.

Effective Date

- (28) These bylaws shall come into operation on the date of the promulgation in the government gazette.

SCHEDULE

APPLICATION TO ERECT A SIGN

I, the undersigned, hereby apply for permission to erect a sign in accordance with the particulars given below and the plans attached hereto.

Applicant

Full name

Address

Signature

Telephone No. Date

Premises to which Sign is to be affixed

Address of premises

Name of Occupier of premises.....

Use to which premises are put

Owner of premises

Address of owner

If Sign Projects over Public Footway, etc.

Name and address of person who will enter into the necessary Agreement with municipality in respect of projection:

.....

.....

Particulars of Sign

Materials of construction

Approximate mass of sign (if to be affixed to a building) kg

Is sign illuminated or non-illuminated?

If illuminated, what colours are used?

If illuminated, is it flashing or non-flashing?

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format 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)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



eGazette



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