

NORTHERN CAPE PROVINCE

PROFENSIYA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

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Kasete ya Profensi

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KIMBERLEY
4 March 2024
4 Maart 2024

No: 2665

PART 1 OF 3

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DEPARTMENT OF HEALTH

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 517 OF 2024****PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, REZONING AND
PERMANENT DEPARTURE OF ERVEN 3463 AND 3464 KIMBERLEY, 26 AND 28 JAN VAN ZYL STREET,
MONUMENT HEIGHTS.**

NOTICE is hereby given that the Sol Plaatje Municipality has received an application for the above from “Macroplan”, represented by Mr H.de Beer in accordance with Sections 4(2)(a)(iv), 4(2)(a)(iii), 4(2)(b)(ii), 4(2)(b)(v) and Section 6,13 and 20 of the Sol Plaatje Land Use Management By-Law 2015 read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013) for the:

- Proposed Removal of Restrictive Conditions: B 7 a, b, c & d on page 4 in Deed of Transfer T3493/2021 and B7 a,b,c,d and C 1,2,4 on Page 3 and 4 Deed of Transfer T1160/2022;
- Proposed Consolidation of Erven 3463 and 3464 Kimberley;
- Proposed Rezoning of consolidated erf from “**Residential Zone 1**” to “**Business Zone I**” in order to utilize the premises for various business purposes;
- Proposed Departure to relax certain building lines.

Particulars regarding this application can be obtained during office hours from Registry, 053 8306671, Urban Planning Section of the Directorate of the Executive Director: Strategy, Economic Development and Planning, Second Floor, Old Complex, Civic Offices, Kimberley.

Objections, if any, against this application must be lodged in writing with full reasons therefore, to reach the above on or before, **TUESDAY, 02 APRIL 2024.**

Any person who cannot read or write may, during office hours, come to the Municipality where the relevant planning official will assist such persons by transcribing their objections, comments and representations.

N TYABASHE-KESIAMANG

E.D. STRATEGY, ECONOMIC DEVELOPMENT AND PLANNING
U.D. STRATEGIE, EKONOMIESE ONTWIKKELING EN BEPLANNING

27521424540SGZZZZWWM
Civic Offices/Stadskantore
KIMBERLEY
23 FEBRUARY 2024
1 MARCH 2024

ALGEMENE KENNISGEWING 517 VAN 2024

CE06& CE07/2024
A10687& A10688

SOL PLAATJE MUNICIPALITY / MUNISIPALITEIT**VOORGESTELDE OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES, KONSOLIDASIE, HERSONERING EN
PERMANENTE AFWYKING T.O.V ERWE 3463 EN 3464 KIMBERLEY, JAN VAN ZYLSTRAAT 26 & 28 MONUMENT****HOOGTE.**

KENNIS geskied hiermee dat die Sol Plaatje Munisipaliteit ‘n aansoek ontvang het vir bogenoemde, vanaf “Macroplan” verteenwoordig deur Mnr H de Beer ingevolge die Sol Plaatje Munisipale Grondgebruikbestuurs Verordeninge 2015 Artikels 4(2)(a)(iv), 4(2)(a)(iii), 4(2)(b)(ii), 4(2)(b)(v) tesame met Artikel 6,13 en 20, saamgelees met die Wet op Ruimtelike Beplanning en Grondgebruiksbestuur (Wet 16 van 2013) vir die:

- Voorgestelde Opheffing van Beperkende Titel voorwaardes naamlik: B 7 a, b, c & d op Bladsy 4 soos beskryf in Title Akte T3493/2021 and T1160/2022 B7 a,b,c,d op Bladsy 3 en 4 C 1,2,4;
- Voorgestelde Konsolidasie van Erwe 3463 en 3464 Kimberley;
- Voorgestelde Hersonerling van konsolideerde erf vanaf “**Residentieel Sone 1**” na “**Sake Sone I**” ten einde die perseel vir verskeie besigheide te gebruik;
- Voorgestelde Afwyking vir verslapping van sekere boulyn vereistes.

Besonderhede aangaande hierdie aansoek is gedurende kantoor ure verkrygbaar vanaf Argief Kantoor, 053 830 6671, by die Stedelike Beplanningsafdeling, Direktoraat van die Uitvoerende Direkteur: Strategie, Ekonomiese Ontwikkeling en Beplanning, Tweede Vloer, Ou Gebou, Stadskantore, Sol Plaatje Rylaan te Kimberley.

Besware, indien enige, teen die voorstel moet skriftelik tesame met redes daarvoor by die bogenoemde ingedien word voor of op **DINSdag, 02 APRIL 2024.**

Persone wat nie kan lees of skryf nie kan gedurende kantoorure na Sol Plaatje Munisipaliteit kom waar die betrokke amptenaar aan die persone hulp sal verleen insake hulle besware, kommentare en vertoe.

GENERAL NOTICE 518 OF 2024**GA-SEGONYANA MUNICIPALITY***Spatial Planning and Land Use Management Act (Act 16 of 2013)***REMOVAL OF RESTRICTIVE CONDITIONS I.R.O. ERF 150, KURUMAN**

Notice is given in terms of Section 47(1) of Spatial Planning and Land Use Management Act 16/2013 and Chapter 5, subsection 86 of the Ga-Segonyana Land Use Scheme, 2020 and in terms of Section 17 of the Ga-Segonyana Municipality Land Use Management By-Laws 2015 that the Ga-Segonyana Municipality has with effect from 26 February 2024, approved the removal of restrictive title conditions in Deed of Transfer T487/1990 (page 5), B.4.(a) to (e) to allow a second dwelling unit.

MUNICIPAL MANAGER

M.M. TSATSIMPE

Private Bag X1522, Kuruman, 8460

ALGEMENE KENNISGEWING 518 VAN 2024**OPHEFFING VAN BEPERKENDE TITEL VOORWAARDES T.O.V. ERF 150, KURUMAN**

Hierby word ooreenkomstig die bepalings van Artikel 47(1) van die Munisipale Ruimtelike Beplanning en Grondgebruiks Bestuurs Wet 16 van 2013 en ingevolge Artikel 17 van die Ga-Segonyana Ruimtelike Beplanning en Grondgebruikbestuur Verordeninge 2015 en in gevolge Hoofstuk 5, sub-afdeling 86 van die Ga-Segonyana Plaaslike Munisipaliteit se Grondgebruikskema 2020, bekend gemaak dat die Ga-Segonyana Munisipaliteit, in effek sedert 26 Februarie 2024, die opheffing van beperkende titelvoorwaardes opgehef het soos uiteengesit in Titel Akte T487/1990 (bladsy 5), B.4.(a) tot (e) ten einde 'n addisionele wooneenheid op te rig.

MUNISIPALE BESTUURDER

M.M. TSATSIMPE

Privaatsak X1522, Kuruman, 8460

GENERAL NOTICE 519 OF 2024

**GENERAL VALUATION ROLL: 2024/2028 PUBLIC NOTICE CALLING FOR INSPECTION OF AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004), hereinafter referred to as the "Act", that the General Valuation Roll for the financial years 2024/2028 is open for public inspection **at the Municipal Offices (and Library), Civic Centre, Postmasburg from 09 February 2024 till the 16 April 2024.** In addition the General Valuation Roll is available at website www.tsantsabane.gov.za.

An invitation is hereby made in terms of section 49(1)(a)(ii) read together with section 78(2) of the Act that any owner of property or other person who desires can lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the General Valuation Roll within the above-mentioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act, an objection must be in relation to a specific individual property and not against the valuation roll as a whole.

The form for the lodging of an objection is obtainable from Miss Nontando Mzuzu at the following address, 13 Springbok Street, Postmasburg, 8420 or from the website www.tsantsabane.gov.za.

The completed forms must be returned to the following address: Municipal Manager, 13 Springbok Street, Postmasburg, 8420 on or before **16 April 2024**.

For enquiries during normal office hours, please phone Miss Nontando Mzuzu at 053 313 3700.

H.MATHOBELA – MUNICIPAL MANAGER
CIVIC CENTRE POSTMASBURG
PRIVATE BAG X3005, POSTMASBURG, 8420
NOTICE NUMBER: **TM019/2023/2024**

ALGEMENE KENNISGEWING 519 VAN 2024

**OPENBARE KENNISGEWING VIR DIE INSPEKSIE EN INDIEN VAN BESWARE TEEN DIE ALGEMENE WAARDASIEROL 2024/2028**

Kennis word hiermee gegee in terme van Artikel 49(1)(a)(i), saamgelees met Art 78(2) van die Plaaslike Owerhede: Munisipale Eiendomsbelasting Wet van 2004, (Wet No. 6 van 2004), hierin verder verwys na as die "Wet", dat die Algemene waardasierol vir die boek jare 2024/2028 ter insae lê vir openbare inspeksie by die **onderskeie munisipale kantore (Kantoor en Biblioteke) sowel as die raad se webwerf by www.tsantsabane.gov.za vanaf 09 February 2024 till the 16 April 2024.**

'n Uitnodiging word hiermee gerig in terme van Artikel 49(1)(a)(ii), saamgelees met Art 78(2) van die Wet, dat enige eienaar van eiendom, of enige ander persoon, wat so begeer, beswaar kan maak by die Munisipale Bestuurder ten opsigte van enige aangeleentheid vervat in, of uitgelaat is in die eiendoms waardasielys binne bogenoemde tydperk.

Aandag word spesifiek gevestig op die feit dat in terme van Artikel 50(2) van die Wet, dat beswaar gemaak word ten opsigte van 'n spesifieke individuele eiendom en nie teen die Algemene Waardasierol as sulks nie.

Die beswaarvorms is verkrygbaar by Miss Nontando Mzuzu, 13 Springbok Street, Postmasburg, 8420 of kan afgelaai word vanaf ons webwerf, www.tsantsabane.gov.za.

Die voltooide beswaarvorms moet gestuur word na die Munisipale Bestuurder, 13 Springbok Street, Postmasburg, 8420, en moet hom bereik voor of op **16 April 2024**.

Vir navrae gedurende normale kantoor-ure skakel Miss Nontando Mzuzu by 053 313 7300.

H. MATHOBELA- MUNISIPALE BESTUURDER

BURGERSENTRUM

PRIVATE BAG X3005, POSTMASBURG, 8420

KENNISGEWING NOMMER; **TM019/2023/2024**

GENERAL NOTICE 520 OF 2024**NORTHERN CAPE GAMBLING BOARD**

**NOTICE IS HEREBY GIVEN OF APPLICATIONS RECEIVED FOR LIMITED PAYOUT
MACHINES SITE OPERATOR LICENCE FROM ROUTE OPERATOR CRAZY SLOTS
NORTHERN CAPE.**

1. In terms of Section 28(1) (a)(i) (ii) of the Northern Cape Gambling Act, Act 3 of 2008, notice is hereby given of applications received for Site Operator licences from Route Operator Crazy Slots Northern Cape.

The details of the applications are as follow:

SITE NAME	OPERATOR	SITE OWNERS NAME	ADDRESS
Queens Pub & Grill		Longkai Trading (PTY)LTD	ERF 3387, Sarelstad De Aar
Lifestyle Lounge		Kevin Da Costa Figueira	11 Stella Street, Jankemp Dorp, 8550
Monte Crous Hotel		Adele Crous	38 madeliefie Street Vanderkloof 8771
Itumeleng Inn Tavern		Sipho Adolph Nkutilwang	3655 Masakeng, Valspan location Jankempdorp

Public Inspection of the application

2. The applications will, subject to any ruling by the Board, be open for public inspections at the following local South African Police Service Stations from the 04th of March 2024 until the 4th of April 2024: De Aar & Jankemp Dorp.

The applications can also be inspected at the offices of the Board at the address mentioned below between 08:00 and 15:30 from Monday until Friday at:

No 31 Mac Dougal Street
Monument Heights
Kimberley

Invitation to lodge objections or representations

3. Interested persons are hereby invited to lodge representations in respect of any or all of the applicants by no later than 15:30 on the 04th of April 2024. Representations should be in writing and must contain at least the following information:
- The name of the applicant to whom the objection or representation relates
 - The ground(s) on which objections or representations are made

- (c) The name, address and telephone number of the person submitting the representations

An indication as to whether or not the person making representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to: The Chief Executive Officer, Northern Cape Gambling Board, No 31 Mac Dougal Street, Monument Heights, Kimberly, 8301.

For any enquiries, contact the Licensing Unit, Mr. GD Motlhabane

Tel: 053 244 0890

E-mail: gaopalelwem@ncgb.co.za

THE NORTHERN CAPE GAMBLING BOARD SUPPORTS RESPONSIBLE GAMBLING.
GAMBLING ONLY FOR PERSONS 18 YEARS AND OLDER. WINNERS KNOW WHEN TO STOP. RESPONSIBLE GAMBLING TOLL FREE LINE NUMBER 0800 006 008.

GENERAL NOTICE 521 OF 2024**NORTHERN CAPE GAMBLING BOARD****NOTICE IS HEREBY GIVEN OF APPLICATION RECEIVED FOR A MANUFACTURER LICENSE FROM POKERBET LICENSE CO (PTY) LTD.**

1. In terms of Section 38(2)(a) of the National Gambling act, no 7 of 2004, read with Section 28(6)(a)(ii) and 28(6)(b)(ii) &(iii) of the Northern Cape Gambling Act, no 03 of 2008, notice is hereby given of an application received for Manufacturer License from Pokerbet License Co (Pty) Ltd.

The details of the application are as follow:

Type of License	MANUFACTURE'S NAME	MANUFACTURE'S ADDRESS
Manufacture License	Pokerbet License Co (Pty) Ltd	10 Struben Street, Rhodesdene, Kimberley, Northern Cape, 8301

Public Inspection of the application

2. The applications will, subject to any ruling by the Board, be open for public inspections at the following local South African Police Service Stations from the 04th March 2024 until the 04th April 2024: Kimberley SAPS.

The applications can also be inspected at the offices of the Board at the address mentioned below between 08:00 and 15:30 from Monday until Friday at:

No 31 Mac Dougal Street
Monument Heights
Kimberley

Invitation to lodge objections or representations

3. Interested persons are hereby invited to lodge representations in respect of any or all of the applicants by no later than 15:30 on the 04th April 2024. Representations should be in writing and must contain at least the following information:
 - (a) The name of the applicant to whom the objection or representation relates
 - (b) The ground(s) on which objections or representations are made
 - (c) The name, address and telephone number of the person submitting the representations

An indication as to whether or not the person making representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to: The Chief Executive Officer, Northern Cape Gambling Board, No 31 Mac Dougal Street, Monument Heights, Kimberly, 8301.

For any enquiries, contact the Licensing Unit, Mr. GD Motlhabane

Tel: 053 244 0890

E-mail: gaopalelwem@ncgb.co.za

THE NORTHERN CAPE GAMBLING BOARD SUPPORTS RESPONSIBLE GAMBLING.
GAMBLING ONLY FOR PERSONS 18 YEARS AND OLDER. WINNERS KNOW WHEN TO STOP. RESPONSIBLE GAMBLING TOLL FREE LINE NUMBER 0800 006 008.

GENERAL NOTICE 522 OF 2024

GAMAGARA

LOCAL

Cnr. Hendrick van Eck & Frikkie Meyer
Kathu
8446
Telephone: 053 723 6000



MUNICIPALITY

P.O. Box 1001
Kathu
8446
Fax: 053 723 2021

REVIEW OF THE GAMAGARA SPATIAL DEVELOPMENT FRAMEWORK (SDF)

Notice is hereby given in terms of Section 20 (3) (a) and (b) of the Spatial Planning and Land Use Management Act (SPLUMA) 2013 (Act 16 of 2013) known as SPLUMA and read together with Section 28 (3) of the Municipal Systems Act of 2000, of the intention to review the Spatial Development Framework (SDF) of Gamagara Local Municipality.

The Spatial Development Framework is a long-term forward planning strategic and policy framework which spatially provides the direction regarding the growth and development path of the municipality. The SDF is the key component of Integrated Development Plan (IDP) as stated in Section 26 (e) of the Municipal Systems Act of 2000 which the municipality is obliged to adopt. It will also be used as a policy framework tool to guide decision-making, aimed at the creation of sustainable, integrated and economically viable settlements.

Interested and affected parties (I & APs) are hereby invited to register and will be informed of the project's progress during the different phases. To register, please forward contact details to the below persons:

Ms. N Nkhanedzeni or Ms. T Rapelang

078 065 8972 or nkhanedzeni@gamagara.gov.za / 063 431 5996 or rapelangt@gamagara.gov.za

Closing date for registration is 60 days after posting of this notice.

ALGEMENE KENNISGEWING 522 VAN 2024**HERSIEN VAN DIE RUIMTELIKE ONTWIKKELING RAAMWERK (ROR)**

Kennis geskied hiermee ingevolge Artikel 20 (3) (a) en (b) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (SPLUMA) 2013 (Wet 16 van 2013) bekend as SPLUMA en saamgelees met Artikel 28 (3) van die Munisipale Stelselswet van 2000, van die voorneme om die Ruimtelike Ontwikkelingsraamwerk (ROR) van Gamagara Plaaslike Munisipaliteit te hersien.

Die Ruimtelike Ontwikkelingsraamwerk is 'n langtermyn vooruitbeplanning strategiese en beleidsraamwerk wat ruimtelik die rigting gee rakende die groei- en ontwikkelingspad van die munisipaliteit. Die ROR is die sleutelkomponent van Geïntegreerde Ontwikkelingsplan (GOP) soos uiteengesit in Artikel 26 (e) van die Munisipale Stelselswet van 2000 wat die munisipaliteit verplig is om aan te neem. Dit sal ook gebruik word as 'n beleidsraamwerk instrument om besluitneming te rig, gemik op die skepping van volhoubare, geïntegreerde en ekonomies lewensvatbare nedersettings.

Belangstellende en geaffekteerde partye (B & GPs) word hiermee uitgenooi om te registreer en sal ingelig word oor die vordering van die projek gedurende die verskillende fases. Om te registreer stuur asseblief kontak besonderhede aan die onderstaande persoon:

Ms. N Nkhanedzeni or Ms. T Rapelang

078 065 8972 or nkhanedzeni@gamagara.gov.za / 063 431 5996 or rapelangt@gamagara.gov.za

Sluitings datum vir registrasie is 60 dae na plasing van hierdie kennisgewing.

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**MUNICIPAL NOTICE 194 OF 2024****SIYANCUMA MUNICIPALITY****SECTION 49 – PUBLIC NOTICE OF THE SUPPLEMENTARY VALUATION ROLL 2023/2024 IN RESPECT OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT NO 6 OF 2004**

Notice is hereby given, in terms of Section 49 of the Local Government: Municipal Property Rates Act No. 6 of 2004 (hereafter referred to as the “Act”), that the Supplementary Valuation Roll for the period 1 March 2024 to 30 June 2024 is open for public inspection at the , Main Building, 13 Charl Cillier Street Civic Centre Siyancuma Municipality, the period 15 April 2024 to 17 May 2024, Mondays to Fridays, during office hours, i.e. 07H30 to 16:30; as well as on the Siyancuma Municipality’s website, www.siyancuma.gov.za

ALL PERSONS ARE ENCOURAGED TO MAKE USE OF OUR WEBSITE AND EMAILS TO RETREIVE AND SUBMIT INFORMATION.

Property owners or other persons are hereby invited, in terms of Section 49 of the Act, to lodge a request to review at the municipality in respect of any matter reflected in, or omitted from, the Supplementary Valuation Roll within the abovementioned period

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, a request to review must be in relation to a specific individual property and not against the General Valuation Roll as such.

Written requests to review can be send to olyn@siyancuma.co.za/shanteldickson78@gmail.com

For enquiries, please contact Mrs C Visser or Ms S Dickson on 053 298 1810

Closing date for submissions : Friday , 17 MAY 2024 BEFORE 16:00

Mr X Geco

ACTING MUNICIPAL MANAGER

MUNICIPAL NOTICE 195 OF 2024**agriculture, land reform
& rural development**

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

**REVIEW OF THE EMTHANJENI MUNICIPAL SPATIAL
DEVELOPMENT FRAMEWORK (SDF)**

Notice is hereby given in terms of Section 20 (3) (a) and (b) of the Spatial Planning and Land Use Management Act (SPLUMA) 2013 (Act 16 of 2013) known as SPLUMA and read together with Section 28 (3) of the Municipal Systems Act of 2000, that the Emthanjeni Local Municipality has prepared a Draft Spatial Development Framework (SDF) Report.

The Spatial Development Framework is a long-term forward planning strategic and policy framework which spatially provides the direction regarding the growth and development path of the municipality. The SDF is the key component of Integrated Development Plan (IDP) as stated in section 26 (e) of the Municipal Systems Act of 2000 which the municipality is obliged to adopt. It will also be used as a policy framework tool to guide decision-making, aimed at the creation of sustainable, integrated and economically viable settlements.

A hard copy of the Draft SDF can be accessed at Emthanjeni Local Municipality, 45 Voortrekker Street, De Aar, 7000 and a soft copy at <https://emthanjeni.co.za/>

Any comment/representation/objection/input in respect of the Draft SDF may be submitted in writing for the attention of Wendy Dyers (083 579 4336 or wendy@tshani.co.za) on or before the 06 May 2024. Should you fail to lodge comments/ representation/ objections to the above person by the said date, it will not be considered.

MUNISIPALE KENNISGEWINIG 195 VAN 2024**HERSIEN VAN DIE EMTHANJENI RUIMTELIKE ONTWIKKELING RAAMWERK (ROR)**

Kennis geskied hiermee ingevolge Artikel 20 (3) (a) en (b) van die Wet op Ruimtelike Beplanning en Grondgebruikbestuur (SPLUMA) 2013 (Wet 16 van 2013) bekend as SPLUMA en saamgelees met Artikel 28 (3) van die Munisipale Stelselwet van 2000, dat die Emthanjeni Plaaslike Munisipaliteit 'n Konsep Ruimtelike Ontwikkelingsraamwerk (ROR)-verslag opgestel het.

Die Ruimtelike Ontwikkelingsraamwerk is 'n langtermyn vooruitbeplanning strategiese en beleidsraamwerk wat ruimtelik die rigting gee rakende die groei- en ontwikkelingspad van die munisipaliteit. Die ROR is die sleutelkomponent van die Geïntegreerde Ontwikkelingsplan (GOP) soos uiteengesit in Artikel 26 (e) van die Munisipale Stelselwet van 2000 wat die munisipaliteit verplig is om aan te neem. Dit sal ook gebruik word as 'n beleidsraamwerkinstrument om besluitneming te rig, gemik op die skepping van volhoubare, geïntegreerde en ekonomies lewensvatbare nedersettings.

'n Harde kopie van die Konsep ROR kan verkry word by Emthanjeni Plaaslike Munisipaliteit, Voortrekker Straat 45, De Aar, 7000 en 'n sagte kopie by <https://emthanjeni.co.za/>

Enige kommentaar/vertoë/beswaar/insette ten opsigte van die Konsep ROR kan skriftelik ingedien word vir die aandag van Wendy Dyers (083 579 4336 of wendy@tshani.co.za) voor of op 6 Mei 2024. Indien u versuim om teen genoemde datum kommentaar/ vertoë/ besware by bogenoemde persoon in te dien, sal dit nie oorweeg word nie.

MUNICIPAL NOTICE 196 OF 2024

GAMAGARA LOCAL MUNICIPALITY



**BUILDING CONTROL BY-LAW
IN LINE WITH**

**NATIONAL BUILDING REGULATIONS AND
BUILDING STANDARDS ACT NO. 103 OF 1977
(as amended)**

**BY
DEVELOPMENT AND TOWN PLANNING DEPARTMENT –
BUILDING CONTROL SECTION**

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GAMAGARA LOCAL MUNICIPALITY**BY-LAWS RELATING TO THE BUILDING CONTROL MATTERS IN THE MUNICIPAL AREA**

To provide a regulatory framework for the construction of buildings in formal areas and traditional settlement areas within the Gamagara Local Municipality municipal jurisdiction, to promote uniformity with formal areas and traditional settlement areas in terms of building structures that are sustainable, structurally sound and comply with the energy efficiency requirements, to bridge a gap between the stringent National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977) and the unregulated traditional settlement areas, to establish a building standard and regulate the installation of structures, to provide guidelines for property owners regarding problem buildings within the Gamagara Local Municipality and the regulation thereof, to regulate structures that are referred to as minor building works in the National Building Regulation and Building Standards Act, 1977 (Act No. 103 of 1977); to enforce the building standard related thereto and provide for offences and penalties, and also provide appeal mechanism.

PREAMBLE

WHEREAS Section 24 of the Constitution of the Republic of South Africa (Act No. 108 of 1996) states that everyone has the right to an environment that is not harmful to their health or well-being; and to have that environment protected, for the benefit of present and future generations;

WHEREAS Section 32 of the Constitution states that everyone has the right to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights;

WHEREAS Section 156(1) of the Constitution confers on municipalities the right to administer local government matters listed in Part B of the schedule 4 and 5;

WHEREAS Section 156(2) and (5) of the Constitution provides that a municipality may establish and administer By-laws for the effective administration of the matters which it has a right to administer and exercise any power concerning a matter reasonably necessary for, incidental to, the effective performance of its functions;

WHEREAS Section 11(3)(m) of the Municipal Systems Act, 2000 (Act No. 32 of 2000) grants municipalities the right to adopt By-laws;

WHEREAS Section 4 of the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977) empowers the Council to provide approval for applications in respect of erection of buildings;

WHEREAS Section 7 of the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977) empowers the Council to control the design and the construction of the buildings;

WHEREAS the Construction Regulations of 2014 under Section 43 of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) describe the requirements and obligations that must be complied with when embarking on construction work to ensure that all construction work is performed in a safe manner.

CHAPTER 1

1.1 Definitions

In this By-law all words and phrases, except the words and phrases defined in this By-law, have the same meaning as in the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), the National Building Regulations (NBR) made under the Act and the user's code of practice for the application of the NBR, namely SANS10400 and, unless the context otherwise indicates –

“Accounting officer” means the Municipal Manager (MM) appointed by the council in the terms of Section 56 of the Municipal Systems Act.

“Advertising sign” means any physical structure built to display advertising

“Applicant” means any person who makes an application.

“Application” means an application contemplated in section 4 of the NBR.

“Approval” means formal approval made by the Gamagara Local Municipality or any authorised official contemplated in Section 7(7)(b) of the NBR.

“Approved” means approved by the Gamagara Local Municipality.

“As Built” means a structure that was approved for construction by means of an approved building plan but has deviated from the approved building plan.

“Authorised official” means an employee of the Gamagara Local Municipality such as Building Control Officer, Building Inspectors, Plan Examiners and Clerks, authorized by the Municipal Manager to implement and enforce the provisions of this By-law.

“Block” means any masonry unit which has a length more than 300mm or a width of more than 130mm.

“Boundary wall” is a wall constructed on the cadastral boundary as per the surveyor general diagram between one or two owners.

“Brick” means any masonry unit which has a length of 220mm or a width of 110mm.

“Building” includes-

a) any structure, whether of a temporary or permanent nature irrespective of the materials used in the erection thereof, erected or used for or in connection with-

- i. the accommodation or convenience of human beings or animals;
- ii. the manufacture, processing, storage, display or sale of any goods;
- iii. the rendering of any services;
- iv. the destruction or treatment of refuse or waste materials;
- v. the cultivation or growing of plant or crop;

b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;

c) any fuel pump or any tank used in connection therewith;

d) any part of the building, including a building as defined in paragraph (a),(b) or (c);

e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of water supply, drainage, sewer, and storm-water disposal, electricity supply or other similar services in respect of the building.

“Building control officer” means any person appointed or deemed to be appointed as a building control officer by the Gamagara Local Municipality in terms of section 5 of the NBR Act 103 of 1977.

“Building waste” means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural and includes rubble, earth, wood, rock, glass, plastic, metals, asphalt, bitumen and bitumen products, installation material, concrete, bricks, tiles, ceramics and gypsum based materials but exclude garden waste and asbestos.

“Canopy” means a structure in the nature of a roof projecting from the façade of a building and cantilevered from that building or anchored otherwise by columns or posts.

“Carport” means a building intended to provide a shelter for a motor vehicle, caravan or boat and having a roof but having walls on not more than two sides.

“Cleaning eye” means access opening to the interior of a discharge pipe or trap provided for the purpose of internal cleaning, and which remains permanently accessible after completion of the drainage installation.

“Competent person” means a person who is qualified by virtue of his education, training, experience and contextual knowledge to make a determination regarding the performance of a building or part thereof.

“Conservancy tank” means a covered tank used for the reception and temporary retention of sewage, and which requires emptying at intervals.

“Discharge pipe” means pipe which conveys the discharge from a sanitary fixture to a drain, and includes a soil pipe, a waste pipe, a discharge stack, a branch discharge pipe or a fixture discharge pipe

“Earthed” means connected to the general mass of earth in such a manner as to ensure at all times and immediate safe discharge of electrical energy

“Encroachment” means any projection from a building which encroaches under, into or over any street or public place, building line, boundary line and municipal servitude.

“Electric fence” means an electrified barrier erected on top of the boundary wall or attached to a boundary wall or fence. It may consist of one or more conductors erected against trespass of persons or animals.

“Flood lines” means lines on a map or drawing depicting water levels likely to be reached by a flood having a specified recurrence interval.

“French drain” means trench filled with suitable material which is used for the disposal of liquid effluent from a septic tank or waste water

“Foundation” means that part of the building which is in direct contact with and is intended to transmit loads to the ground.

“Free-standing wall” means a wall, not being a retaining wall, without lateral support.

“Industrial effluent” means a liquid which might or might not contain matter in solution or suspension which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory research.

“Inspection eye” means access opening to the interior of any pipe or pipe fitting in a drainage installation provided solely for the purposes of inspection and testing, and to which permanent access after completion of the drainage installation need not be provided.

“Masonry wall” means an assembly of masonry units joined together with mortar or grout.

“Minor building work”

the erection of:

- a. poultry houses that are no more than ten square metres in size,

- b. aviaries that are no bigger than 20 square metres,
 - c. solid fuel stores (for storing wood, coal, anthracite or similar) that are no more than ten square metres in area and no higher than two metres,
 - d. tool sheds that are smaller than ten square metres,
 - e. childrens' playhouses that are no more than five square metres,
 - f. cycle sheds no more than five square metres,
 - g. greenhouses that are a maximum 15 square metres,
 - h. open-sided car, caravan or boat shelters or carports that do not exceed 40 square metres in size,
 - i. any freestanding wall built with masonry, concrete, steel, aluminum, or timber or any wire fence that does not exceed 1,8 m in height at any point above ground level and does not retain soil,
 - j. any pergola,
 - k. private swimming pool (although most local authorities do insist on plans),
 - l. change room at a private swimming pool not exceeding 10 sq m in area.
 - m. the replacement of a roof (or part of a roof) with the same or similar materials,
 - n. the conversion of a door into a window, or a window into a door, without increasing the width of the opening and not changing the usage of the area space,
 - o. the making of an opening in a wall that doesn't affect the structural safety of the building concerned,
 - p. the partitioning or enlarging of any room by the erection or demolition of an internal wall, as long as it doesn't affect the structural safety of the building,
 - q. the section of any solar water heater not exceeding six square metres in area on any roof; or 12 square metres if the water heater is erected elsewhere,
 - r. the erection of any building that the local council doesn't believe plans are necessary for.
- However it is the responsibility of the building control officer to make final decision to classify the particular structure a minor building work

"Owner" in relation to a building means-

- a. the person in whose name land is registered in the Deeds Registry
- b. the beneficial holder of a real right in land or a holder of a registered long term lease
- c. an Organ of State in whom land vests, or if it has been given notice of its intention to expropriate the land
- d. a person who is a beneficial occupier of land in accordance with customary law or practice or community rules adopted by community members in terms of the adopted constitution of land holding entity.
- e. In case owner/s is deceased, the name of a person who appears on letter of authority from department of justice

"Party boundary wall" means a wall that stands astride a boundary and the boundary will normally run along the centre line of the wall.

"Percolation rate & test" is the test to determine the water absorption rate of soil (that is, its capacity of percolation) in preparation for the building of the septic drain field (leach field) or infiltration drain.

"Prefabricated septic tank" means a single piece factory made unit, including inlet and outlet openings, which leaves the factory completed, controlled and ready for installation.

"Property" means any erf, erven, lot(s), plot(s) or stand(s), portion(s) or part(s) of farm portions or agricultural holdings, registered in the deeds registry as such.

"Problem building" includes any building or portion of a building-

- a) that appears to have been abandoned by the owner with or without the consequence that rates or other service charges are not paid;
- b) that is dilapidated in appearance, overcrowded or is showing signs of being unhealthy, unsanitary, unsightly or objectionable;
- c) that is the reason of written complaints in respect of criminal activities, including drug dealings and prostitution;
- d) that is illegally occupied;

e) where refuse material is accumulated, dumped, stored or deposited with the exception of licence waste disposal facilities; or

f) that is partially completed or structurally unstable and is a threat or danger to the safety of the general public.

g) It is utilized by for purpose not initially approved or permitted for and the usage continues after municipal has notified the owner or user about the contravention with NBR Act or any other legislation;

"Septic tank" means a tank designed to receive sewage and to effect the adequate decomposition of the organic matter in the sewage.

"Sewer" means a pipe or conduit which is in the property which is used or intended to be used for the conveyance of sewage.

"Strata forming" in geology and related fields means is a layer of sedimentary rock or soil, or igneous rock that were formed at the earth's surface, with internally consistent characteristics that distinguish it from other layers.

"Storage tank" means tank, other than any tank used for storage of hot water or any cistern serving a toilet pan or a urinal, which forms part of a water installation and is used for the storage of water.

"Storm-water" means water resulting from natural precipitation or accumulation and includes rainwater, surface water, subsoil water or spring water.

"Storm-water drain" means a pipe, conduit or surface channel situated on a site, which is used to convey storm-water to a suitable point of discharge.

"Temporary structure" means any structure that is declared by the owner and that is being used or is to be used for a specific purpose for a specified period not exceeding 6months but doesn't include a builder's shed.

"Traditional settlement area & inclusive of agri-village" means the area which falls within the area of the Gamagara Local Municipality and which is occupied by traditional communities or people who own land communally through a land holding entity or people who occupy land without a formal layout plan.

"Ventilation pipe" means a vent pipe which leads to the open air at its highest point and which provides ventilation throughout a drainage installation for the purpose of preventing the destruction of water seals, but does not include discharge pipe.

"Vent stack" means a main vertical ventilation pipe of any part of a drainage installation.

"Waste water" means used water which is not contaminated by the soil water or industrial effluent and which does not include storm-water.

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

1.2 Application of this By-law

(1) This By-law applies to all land which falls within the municipal area under Gamagara Local Municipality and binds all persons, the Municipality and organs of state, to the extent applicable.

(2) When considering an apparent conflict between this By-law and another law, a court of law must prefer any reasonable interpretation that avoids a conflict over any alternative interpretation that results in a conflict.

(3) In the event of a conflict between the Building Control By-law and the NBR, the provisions of this By-law shall prevail to the extent that the provisions of this By-law give effect to "municipal building control" as an

exclusive executive local government competence as contemplated in Part B of Schedule 4 of the Constitution.

(4) No person may erect a structure or develop land without approved building plans or approval granted in terms of this By-law.

1.3 Principles, norms and standards and policies

(1) Any development principles and any norms and standards applicable to building control made in terms of national or provincial legislation apply to the Municipality.

(2) The Municipal Council may adopt policies, procedures and guidelines, which are consistent with national legislation, provincial legislation or this By-law to guide applications or decisions made in terms of this By-law.

(3) If the Municipal Council intends to adopt or amend a policy, procedure and/or guideline that may materially and adversely affect the rights of any individual or the public, the Municipality must follow a public participation process which is consistent with public consultation provisions of the Municipal Systems Act.

CHAPTER 2

BUILDING CONTROL BY-LAW

2.1 Purpose of the Building Control By-law

This By-law is supplementary to the National Building Regulations and is applicable to every building and structures, sewerage installation, water installation and storm-water drainage installation. To ensure that maintenance of any installation in any new building, extension or existing building with or without any alteration or additional to such an existing installation is kept up to manufactures standards of operation and further more to ensure compliance through law enforcement, whether or not required by the Council in terms of the National Building Regulations and this By-law.

The building control By-law must comply with the NBR and-

- a. define the structure to which it applies;
- b. define the terminology used in the plan and clauses; and
- c. specify types of structures that are permitted and the conditions under which they are permitted;
- d. specify structures that are not permitted;
- e. specify the extent to which structure is being used lawfully for a purpose that does not conform to the municipal By-laws or the purpose for which approval was granted and may be continued to be used for that purpose and the extent to which buildings or structures on that land may be altered or extended.

2.2 Legal effect of Building Control By-law

(1) An adopted Gamagara Building Control By-law-

- a. has the force of law of all land owners, including a Municipality and organ of state, within the jurisdiction of municipal area are bound by the provisions of such a By-law;
- b. is an extension of the NBR within the municipal area to which it applies; and

(2) Structures may be erected only in the manner and for the purposes laid out in the approved building plans.

2.3. Exemption from Liability

No approval, permission, report, certificate or act granted, issued or performed in terms of this By-law and NBR by or on behalf of Gamagara Local Municipality in connection with a building or the design, erection, demolition or alteration thereof, shall have the effect that-

- (a) municipality be liable as per section 23 of NBR Act to any person for any loss, damage, injury or death resulting from or arising out of or in any way connected with the manner in which such building was designed, erected, demolished or altered or the material used in the erection of such building or the quality of workmanship in the erection, demolition or alteration of such building;
- (b) the owner of such building be exempted from the duty to take care and to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of this By-law and any other applicable law;

- (c) The appointed competent persons/professionals by the owner be exempted from duty to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of this By-law and any other applicable law;
- (d) any person be exempted from the provisions of any other law applicable in jurisdiction of Gamagara Local Municipality.

CHAPTER 3

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE BUILDING CONTROL OFFICER(BCO)

Introduction

Section 5 and section 6 of NBR requires that the local authority establish a functioning building control division through appointment of building control officials. This chapter outlines the functions and the powers vested upon these officials.

3.1 Appointment of Building Control Officer by Municipality as per section 5 of NBR Act

(1) The municipality shall appoint a person as building control officer in order to exercise and perform the powers, duties or activities granted or assigned to a building control officer by or under the NBR Act.

(2) Any person not having the qualifications prescribed by national building regulation in respect of a building control officer shall not be appointed as building control officer in terms of subsection (1).

(3) Subsection (1) shall also be construed so as to enable a municipality from time to time to appoint a person temporarily as building control officer;

3.2 Qualifications of BCO as per schedule A16 of NBR Act

The minimum qualification of any building control officer appointed in terms of section 5 of the NBR Act shall be of a standard equivalent to a senior certificate plus three years tertiary education, at an accredited educational institution, in one of the following building disciplines:

- (a) Civil engineering;
- (b) Architecture;
- (c) Building management;
- (d) Building science;
- (e) Building surveying; or
- (f) Quantity surveying

3.3 Functions and Powers of BCO

A Building Control Officer shall-

- (a) make recommendations to the Municipality, regarding any plans, specifications, documents and information submitted to such local authority in accordance with Section 4 (3) of the NBR;
- (b) ensure that any instruction given in terms of the NBR by the Municipality be carried out;
- (c) inspect the erection of a building, and any activities or matters connected therewith, in respect of which approval referred to in Section 4 (1) of the NBR was granted;
- (d) reports to the municipality, regarding non-compliance with any condition on which approval referred to in Section 4(1) of the NBR was granted.
- (e) When a fire protection plan is required in terms of the NBR by the Municipality, the BCO concerned shall incorporate in their recommendations referred to in subsection (a) a report of the person designated as the chief fire manager or any authorised fire official by Gamagara Local Municipality,

or any other person to whom such duty has been assigned by such chief fire manager, and if such building control officer has been designated as fire chief.

3.4 Certificate of identity of a Building Control Officials

1. Any building control officer or any officer contemplated in section 6(4) of the Act shall, when so requested, produce his certificate of identity, which shall contain the following information.
 - (a) The name of the Act in terms of which the certificate is issued;
 - (b) the name of the municipality;
 - (c) the name of the officer;
 - (d) the signature of the officer;
 - (e) the signature of the municipal manager;
 - (f) the employee number
 - (g) the date of issue; and
 - (h) a photograph of the officer.
2. The certificate shall be valid only during the period that the officer so identified occupies the post of building control officer or during the period for which any power of a building control officer is delegated to them and it may at any time be withdrawn by the municipality.
3. Any person who produces a certificate of identity which has not been lawfully issued to him or which has been lawfully withdrawn, shall be guilty of an offence.

3.5 Building Control & Drainage Inspector

A Building Inspector performs skilled/specialized inspection and building plan review work involving the interpretation and enforcement of Building Codes, Regulations for both building, construction health and safety issues and performs related work as required. Functions and powers of a Building & Drainage Inspector include the following, but they are not limited to:

- (a) Is the authorized official who may enter any premises at any reasonable time with a view to investigate, monitor, inspect and regulate as outlined in SANS 10400 and in this By-law.
- (b) Respond to inquiries and complaints from the public regarding codes and other issues with projects, both over the phone, at the public counter and on site.
- (c) Issue notices for non-compliance as contemplated in subsection (a) of this By-law and NBR.
- (d) Attends to public complaints regarding building encroachments and illegal construction.
- (e) Recommend for occupancy and the authority to revoke occupancy.

3.6 Entry by Building Control Officer, Building Control Inspectors and Drainage Inspectors

1. Any building control official or any other person authorized thereto by the municipality may enter any building or land at any reasonable time with a view to conduct inspection in connection with the consideration of any application submitted or to determine whether the owner of the building or land complies with any provision of this By-law or any condition imposed by the municipality in terms of this By-law.
2. Any person who hinders or obstructs any building control officer or person authorized by the municipality in the exercise of his powers shall be guilty of an offence.

3. Any building control official shall, at the request of any person affected by the execution of any of his powers, duties or activities in terms of this By-law produce his certificate of appointment issued to him in the form prescribed by national building regulation.

3.7 Building Plan Examiner

A Plan Examiner is responsible for ensuring that the plans submitted to the municipality are in accordance with Regulation 7 and Schedule A2 (1) as stipulated in the NBR and Building Standards Act No.103 of 1977. The Plan Examiner reviews, assesses, and recommends all plans and application documentation submitted for compliance with all local municipal By-laws and codes; and does related work as required.

Functions and powers of Building Plan Examiner include the following, but they are not limited to:

- (a) Scrutinize building plans in detail for compliance with the NBR and Building Standards Act No.103 of 1977, municipal By-laws, SANS codes and all other legislation.
- (a) Reviews building plan applications and materials for all significant developments(aesthetics) and recommends or reject the application.
- (b) Liaise with homeowners, developers, and architectural professionals to obtain compliance on plans submitted.
- (c) Ensures that laid down specifications, standards and statutory requirements controlling prescriptions and approval of building plans are observed.
- (d) Building plans process and notification of referrals/approval on submissions are circulated within established timeframes, 5 working days for buildings less than 500m² and 10 working days for buildings over 500m².
- (e) Recommended or rejected plans are returned to the clerks for further processing.
- (f) Reports directly to the Building Control Officer for any discrepancies.
- (g) Uphold and comply with Batho Pele Principles and all the ethical standards, code of conduct and practices as well as any other legislation.

3.8 The Building Control Admin Clerk

Renders an administrative support function to the Building Control Section. Building Control Admin Clerk's functions include the following, but they are not limited to:

- (a) Provide administrative support to Building Control Sections;
- (b) Manage the processing of building plan applications from submission time until the application has been approved or rejected;
- (c) Control record keeping for all application received;
- (d) Deals with inquiries/ complaints from public whether in person or email or telephonically and transfers calls to rightful intended;
- (e) Manage building plan archives and the movement of files thereof;
- (f) Compile information for building control statistics for STATS SA

CHAPTER 4

KEEPING OF RECORDS AND ACCESS TO INFORMATION

4.1 Record of applications for building plan approval

1. The Municipality must keep the register of all building plan applications submitted for approval.
2. The Municipality must keep the copies of approved building plan and application documents to which the public has a right to access. The following is required from the public to access municipal records:
 - (a) Copy of title deed
 - (b) presentation of Rates Statement
 - (c) Identity Document of owner
 - (d) Power of attorney/ Proxy letter with proof of identity of authorised individual

4.2 Access to information held by Municipal Manager

The records that are held by the Municipal Manager must be regarded as records that are automatically available as contemplated in Section 15 of the Promotion of Access to Information Act 2 of 2000 however the municipality must protect the owners information as per the Protection of Personal Information Act, 2013

4.3 Lodging of public complaint

1. Complainant to complete the Public Complaints form with all the relevant details and contact numbers.
2. Building Control Officer to allocate building Inspector to investigate allegation.
3. Findings to be recorded on the Action Form for public complaints.
4. Building Control Officer to make recommendations regarding the outcome.

CHAPTER 5

MUNICIPAL DESIGN REQUIREMENTS IN TERMS OF NBR

5.1 Design Requirements for Applications

1. The designing, planning and the supervision of the erection of any building or structure or the performance of any function in connection therewith in terms of NBRs is subject to the provisions of any law in terms of which the person undertaking such work or performing such function is required to be registered in terms of the following disciplines:
 - (a) Architectural Profession Act, 2000 (Act No. 44 of 2000),
 - (b) Engineering Profession Act, 2000 (Act No. 46 of 2000),
 - (c) Natural Scientific Professions Act, 2003 (Act No. 27 of 2003), or
 - (d) Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984), or any other relevant Act.
2. The plans and particulars in respect of any building to be erected by or on behalf of the State shall be accompanied by a certificate, signed by the head of the State Department concerned or an officer designated by them.
3. No person shall erect any building which is to be structurally supported by an existing building or extend an existing building unless an approved competent person has judged the existing building to be capable of carrying any additional load arising from such erection or extension and has, in writing, so informed the municipality.

The municipality may require that the above notification be accompanied by a documented rational assessment of the adequacy of the structural support.

4. No plans, particulars or approval shall be required for any repair which has become necessary as a result of ordinary wear and tear or which is undertaken in the normal course of maintenance or upkeep of any building. Provided that where such repair will affect the structural loading or is a repair of any part of the structural system the municipality may require drawings or specifications to be submitted.
5. An application shall be made to the building control office for authorization to erect any building defined as minor building work or to carry out any work falling within the ambit of such definition, and any such erection or work shall not be commenced before such authorization has been granted. Provided that such application and such authorization shall not be required for minor building work for which no plans are required.
6. Minor building work shall comply with any national building regulations specified as a condition of the authorization granted by the building control officer.
7. (a) Where in any application the owner of any building has declared such building to be a temporary building, the municipality shall, before granting provisional authorization, assess such building in relation to:
 - (i) the intended use and life of the building;
 - (ii) the area in which it is to be erected; and
 - (iii) the availability of suitable materials from which it may be constructed.

(b) Where any building is intended to be used for experimental, demonstration, testing or assessment purposes, the municipality shall grant authorization for the erection of such building where testing or assessment of the completed building is the only way to ascertain whether such building complies with the requirements of the NBR and other related regulations.

8. Where in terms of these By-law an obligation is imposed or may be imposed on the owner of any building or land to do or refrain from doing any particular act or thing, and -
- (a) such owner and some other person have lawfully agreed, in writing, that such other person shall accept such obligation on behalf of such owner; and
 - (b) such owner has, where required by the municipality, furnished the municipality with written proof of the fact contemplated in paragraph (a) and with the name and address of such other person, any reference in any such regulation to such owner shall be interpreted as a reference to such other person:

Provided that such owner shall not be relieved of such obligation where such other person does not adhere to the agreement contemplated in paragraph (a).

5.2 Complying with the requirements of the National Building Regulations

1. The requirements of the National Building Regulations shall be complied with by:
- (a) adhering to the requirements of all the prescriptive regulations; and
 - (b) satisfying all functional regulations by:
 - (i) adopting building solutions that comply with the requirements of the relevant part of SANS 10400; or
 - (ii) reliably demonstrating that an adopted building solution has an equivalent or superior performance to a solution that complies with the requirements of the relevant part of SANS 10400.
2. A competent person who is registered in an appropriate category of registration in terms of the following disciplines:
- a) Architectural Professions Act, 2000 (Act No. 44 of 2000),
 - b) the Engineering Profession Act, 2000 (Act No. 46 of 2000),
 - c) the Natural Scientific Professions Act, 2003 (Act No. 27 of 2003)
 - d) Built Environment Act, 2000 (Act No. 43 of 2000)
- or any other relevant Act and shall prepare and submit to the municipality a rational design or rational assessment where compliance with the requirements of sub-regulation (1) is to be satisfied.
3. An approved competent person who satisfies the requirements of sub-regulation (1) in respect of a system, measure, facility, parameter or installations shall inspect and certify upon completion.

5.3 Duties of an Architect and a Draftsmen in terms of Plans, Specifications, Documents and Diagrams

Any person who prepared any plan, specification, document or diagram submitted in terms of this By-law shall affix their name, signature and address and, in the case of a competent person who is also registered with a professional board, also their profession and registration number, if any, to such plan, specification, document or diagram.

5.4 Design Requirement

1. Any building and any structural element or component thereof shall be designed to provide strength, stability, serviceability and durability under all actions which can reasonably be expected to occur in accordance with accepted principles of structural design, and so that it will not impair the integrity of any other building or property.
2. Any such building shall be so designed that in the event of accidental overloading the structural system will not suffer disastrous or progressive collapse which is disproportionate to the original cause.

5.5 Plans and Particulars to be submitted

1. Any person intending to erect any building shall submit to the municipality the following plans and particulars, together with the application:
 - (a) A site plan;
 - (b) layout drawings;
 - (c) a fire installation drawing;
 - (d) drainage installation drawing;
 - (e) particulars of any existing building which is to be demolished and details of the method of demolition to be used;
 - (f) such plans and particulars as may be required by the municipality in respect of –
 - (i) general structural arrangements;
 - (ii) general arrangement of artificial ventilation;
 - (iii) a fire protection plan;
 - (iv) an Agrément Certificate;
 - (v) particulars required in terms of any applicable legislation, by-laws, or part of SANS 10400.
 - (g) a declaration by a person registered in a professional category of registration in terms of the one of the councils for the professions identified in the Council for the Built Environment Act, 2000 (Act No. 43 of 2000) in the relevant portion of Form1 contained in SANS10400-A as to how the applicable functional regulations shall be satisfied;
2. The owner of a building shall appoint and retain the services of the person responsible for submitting the declaration required in sub-section (1)(g) and shall advise such person after such declaration has been submitted to the municipality of any changes made in the manner in which any functional regulation shall be satisfied or if the services of the competent person is for whatever reason terminated prior to the conclusion of his obligations in terms of these regulations, or the appointment of any other competent person. Such person shall within one month of being notified by the owner or becoming aware of any change submit an amended declaration to the municipality in writing.
3. The names of all approved competent persons shall be entered into the appropriate schedule of Form1 contained in SANS10400-A before municipality approval may be granted.
4. A certified copy of approved plans and particulars contemplated in sub-regulation (1) shall be available at the site where any building is being erected until a completion certificate or occupancy certificate has been issued by the municipality.
5. Where design work for the proposed erection of any building was commenced before the date of coming into effect of any amendment to these regulations or within 6 months of the publication of an edition

of any part of SANS 10400 or a by-law and an application in respect of such erection has not been made prior to such date, the owner of the building, or a person authorized by the owner, may notify in writing the municipality that such design work was so commenced and has so progressed.

5.6 Preliminary Plans and Enquiries

Any person who intends to erect a building may, before submitting an application in accordance with the By-law, request the municipality –

- (a) to examine any preliminary sketch plans of the building proposed to be erected and to furnish, in writing, its comments on such plans;
- (b) to furnish, in writing, its opinion as to whether any material or method or form of construction intended to be used in the erection of such building will comply with these regulations.

5.7 Municipality may require additional documents and information

Where the municipality requires the applicant to submit structural details or artificial ventilation details such applicant shall, to the extent required by the municipality –

- (a) furnish the municipality with a structural arrangement drawing which shall show the position, level and size of every structural member;
- (b) furnish the municipality with such structural drawings and artificial ventilation details as required;
- (c) show on structural drawings the imposed floor loads which such building has been designed to withstand;
- (d) furnish for inspection the calculations employed in the design of the building proposed to be erected;
- (e) furnish adequate information regarding the subsoil of the site on which the building is proposed to be erected;
- (f) show the fire resistance ratings of the various structural members of the building and, where special protection for such members is necessary, details relating to such protection;
- (g) furnish information regarding structural materials to be used in the construction of the proposed building, including the grade, strength, classification, temper or treatment;
- (h) if the design or part thereof has been carried out in accordance with any standard contemplated in these regulations, furnish the name and number of such standard;
- (i) if the structural design or part thereof has been carried out in accordance with any standard, document or other method, furnish, in addition to the loads contemplated in paragraph (c), details of other loads which such building has been designed to withstand.

5.8 Application Forms and Materials, Scales and Sizes of Plans

1. Any application form shall be dated and signed in black ink by the owner.
2. Any application shall be accompanied by at least three set of plans(colour), drawings and diagrams which shall –
 - (a) be clear and readable.
 - (b) be drawn on any suitable material or be provided in a medium acceptable to the municipality;
 - (c) contain the name of the owner of the site concerned; and
 - (d) be dated and signed in black ink by the owner; and every subsequent alteration shall be likewise dated and signed.
- 3.

(a) Plans, drawings and diagrams shall be drawn to a suitable scale selected from one of the following scales:

(i) *Site plans*: - 1:1 000, 1:500, 1:250, 1:200 or 1:100.

(ii) *Plumbing installation drawings*: - 1:200, 1:100 or 1:50.

(iii) *Layout drawings*: - 1:100, 1:50 or 1:20: Provided that in the case of elevations 1:200 may be used.

(iv) *General structural arrangement drawings and structural details*: - 1:100, 1:50, 1:20, 1:10, 1:5, 1:2 or 1:1.

(v) *Fire protection plans*: - 1:200, 1:100, 1:50 or 1:20.

(b) The municipality may not accept a scale not provided for in this sub-regulation.

5.9 Site Plans

Any site plan shall fully and clearly contain the following information, where applicable:

(a)

(i) The dimensions of the site on which the building is to be erected;

(ii) the boundaries of such site;

(iii) the dimensioned position of any building line; and

(iv) the position and width of any servitude or right of way to which such site is subject;

(b) the registered number or other designation of such site;

(c) the direction of true north, and if required by the municipality, the natural ground contours at suitable vertical intervals or spot levels at each corner of such site;

(d) the name of the street upon which such site borders;

(e) the location of -

(i) any municipal service and any connection point thereto; and

(ii) any drain, stormwater drain, or surface channel existing upon such site;

(f) the location of -

(i) the proposed building;

(ii) any existing building; and

(iii) any building proposed to be demolished;

(g) (i) any existing and intended point of access from any public street; and

(ii) the location of any street tree, street furniture, apparatus or equipment relative to such access.

5.10 Layout Drawing

Any layout drawing shall indicate the occupancy classification, and shall consist of as sections, elevations and such other details as may be necessary to show.

(a) foundations, floors, walls, fixed and openable windows, fanlights, louvres and other ventilating devices, artificial ventilation systems including any cooling tower or plantroom, doors, stairs, roofs and chimneys;

(b) sanitary fixtures;

(c) structural members required;

(d) the intended use and horizontal and vertical dimensions of rooms or other spaces;

(e) all details relating to the facilities provided for persons with disabilities;

(f) details of the position, dimensions and materials of damp-proofing;

(g) the location, levels and size of any paved areas adjacent to the building;

- (h) where required by the municipality, contours of the site and the levels of any adjoining verge of any roadway, together with a section along the length of any vehicle driveway, which shall show the relative levels and gradients;
- (j) where required by the municipality, the levels of the floors relative to one another and all street levels supplied;
- (k) stormwater drainage on the site, where such drainage is required by the municipality; and
- (l) details of any special provisions, required in terms of these regulations, for disabled persons.

5.11 Plumbing Installation Drawings and Particulars

1. Any drawing of a fire installation shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:
 - (a) The location and size of any existing or proposed communication pipe serving or intended to serve any building or site;
 - (b) the location of any pipe, the size of such pipe and the material of which it is manufactured;
 - (c) the location and capacity of any storage tank;
 - (d) the location of any overflow;
 - (e) the location of any pump; and
 - (f) the pressure for which the installation has been designed.
2. Any drawing of a drainage installation shall contain as many plans, sections and elevations as may be necessary to show, where relevant, the following:
 - (a) The location, size and gradient of any drain and any connecting point to such drain, in relation to a datum established on the site and the level of the ground relative thereto;
 - (b) the location of any point of access to the interior of any drain;
 - (c) the location of any trapped gully;
 - (d) the location and details of any septic tank, conservancy tank, private sewage treatment plant or sewage pump;
 - (e) the location of any percolation test hole excavated on the site and of any french drain;
 - (f) the location and arrangement of any sanitary fixture served by the drainage installation;
 - (g) the location and size of any soil pipe, waste pipe and ventilating pipe or device;
 - (h) the location of all openings in the building such as chimneys, skylights, doors, windows, ventilation openings and air intakes which could permit the entry of foul air or gas into such building from any ventilating pipe or device; and
 - (i) the location of any well, borehole or watercourse on the site.

5.12 Fire Protection Plan

1. Where so required by the municipality, any application in respect of the erection of any building not being a dwelling house, shall be accompanied by a protection fire plan which shall clearly show any fire protection measures provided in terms of these regulations.
2. The provisions of sub-section (1) shall not be construed as preventing details of such fire protection measures being clearly indicated on a layout drawing.

CHAPTER 6

APPLICATIONS FOR BUILDING CONTROL APPROVAL:

Categorisation of Building Plan Approval Applications

6.1 Erection of structures which require building plan approval

1. All structures as laid out in the NBR and in Section 13 listed below require building plan approval:

- a) Steel structure carports;
- b) swimming pools, koi ponds and water feature exceeding 300mm depth;
- c) awnings;
- d) boundary walls or fences excluding diamond mesh;
- e) signage (outdoor advertisement);
- f) telecommunication towers;
- g) lightning arrestors&
- h) floodlights exceeding height of 3,0m;
- i) temporary structures;
- j) underground and aboveground fuel storage tanks;
- k) silos;
- l) wooden decks exceeding 900mm in height;
- m) change of roof design;
- n) any internal alteration;
- o) retractable awnings and pergolas

6.2 Signage

Outdoor advertisement exceeding 9m², that is mounted on the building or roof top, or mounted on a freestanding post or column constructed on a foundation require an approval by the Municipality in respect of submission of building plan prior to installation.

6.3 Minor Building Works

Any structural building work that is defined as a minor building work requires authorisation by the Municipality before the owner may commence with any work (refer to Annexure F for the application form for minor building works). These minor works are as follows:

- a. braai area without any roof covering;
- b. wooden gazebo not exceeding 15m²;
- c. garden/tool shed/wendy house not exceeding 10m²,
 - (h) should be used only for storage purposes and;
 - (ii) must be built in such a way that it is not visible from the public street and
 - (iii) is 2m away from the adjacent boundary;
- d. child's playhouse not exceeding 15m²;
- e. shrines or place of worship not exceeding 10m² provided it does not require any structural support;

- f. animal shelter not exceeding 10m²;
- g. replacement of windows or doors provided that the existing frames are not load bearing and that the openings are not enlarged, or that any openings needed for fire escapes are not removed;
- h. minor repairs to a house or shop- for example, replacement of the same or similar roofing or tile/ sheeting;
- i. new appliances or new fitting- for example, installing new toilet, bath or geyser or changing the position of these, provided that the work does not require new or extended drainage or plumbing.

6.4 Alterations

Any building work that is defined as an alteration work requires authorisation by the Municipality before the owner may commence with any work. The owner is required to notify the municipality in writing in a format made available by the municipality (refer to Annexure H for the application form for minor building works).

6.5 Temporary Structures

No person should install a temporary structure without a written permission from the Municipality.

- 1. The applicant may apply to install the structure for the duration of 6 months, the applicant must apply for extension of permit to keep temporary structure 21 working days before permit expires. The municipality will not grant permit for temporary structure for more than 3 times.
- 2. If the applicant requires extension of time, the following is required:
 - (a) a formal submission of building plan and submission fee;
 - (b) must specify on the application the purpose and the use of the structure; and
 - (c) must specify the period she or he intending to have the structure.
- 3. Temporary structure should be built or installed without foundations and concrete floor slabs.
- 4. These structures must not encroach on boundary line, building line, road reserve and municipal services.
- 5. Removal of temporary structure

The property owner is responsible to demolish/ remove the temporary structure within 14 days of the expiry date of the approval granted.

6.6 Restriction on erection of buildings:

- 1. Building activities that require approval from the municipality
 - (a) No structures must without express permission of the Municipality be erected as contemplated in section 4(1) of NBR.
 - (b) The municipality should be consulted before the deviation to approved plan occurs during the construction in order to determine whether it would be considered for approval when amendment plan is submitted.
- 2. Building activity that requires approval of the Municipality includes the following:
 - (a) construction of new buildings whether residential, commercial and industrial; or
 - (b) other structures such as tool sheds or wendy house exceeding 10m², builders sheds, temporary structures, containers, towers, solid fuel stores of any area, prefabricated buildings, open-sided

- carports or boatshed or caravan shelter of any area, poultry sheds or aviaries of any area, all boundary walls or fences excluding diamond mesh, driveways;
- (c) awnings or canopies exceeding 900mm horizontal projection;
 - (d) private swimming pools, koi ponds or any other water feature exceeding depth of 0,3m; extension to existing building whether residential, commercial and industrial
 - (e) undertaking alteration to an existing building including structural alteration, alteration of internal walls, partitioning, changing the use of rooms within the building;
 - (f) installing new or altering existing services, such as sewer, water, storm-water, electrical hydraulic works
 - (g) demolition of building, engineering works or services, installing signage, communication mast and some fences

6.7 Requirements prior to construction

1. Any proposed use or development on demarcation of the land within the Gamagara Local Municipality jurisdiction requires approval of the municipality in terms of submission of building plans. For the purpose of this requirement, the municipality reserves the authority to determine the position of building lines, municipal services such as water, sewer, electrical etc.
2. The municipality is responsible for the following in accordance to the Building Control By-law-
 - (i) responsible for the processing and approving of building plans of residential, commercial, industrial and including municipal/ state owned buildings or developments.
 - (ii) inspect building construction from time to time and declare the building fit for the occupation upon its completion.
 - (iii) control illegal building construction, prepare reports, issue notices and initiate legal action.
 - (iv) issue temporary permits for temporary structures, placement of building materials.
3. Applications will not be accepted or assessed until all relevant plans, elevations and supporting documents are submitted and the appropriate application fee has been paid.
4. All applications are subject to pre-scrutiny by Land Use Management and Aesthetics Committee before formal submission.
5. Where approval of building plan has been granted by the Municipality, it is the responsibility of the owner to notify Municipality in writing in a form provided by the municipality when commencing the construction of buildings or structures.

6.8 Building inspection requirements

1. Early construction commencement shall not be granted by the Municipality until building plan application has been approved.
2. The owner of any site intending to clear the site or commence all earthworks activities, excluding excavations before the approval of their building plan application may request in writing to the municipality for permission, stating the Erf of the particular site, street address and the date he or she intends to commence with the construction work.
3. Compulsory inspection of buildings or structures is conducted as follows:
 - (a) excavation or trench inspection before casting concrete
 - (b) damp proof membrane inspection before casting the floor slab

- (c) superstructure, water proofing at window sill, lintels, and beam filling;
 - (d) open roof inspection, water proofing;
 - (e) Electrical connection;
 - (f) open inspection of sewer installation in accordance with approved building plan and connection to municipal sewer system;
 - (g) completion of the building work in accordance with the approved building plan and removal of building rubble from site;
4. When the building work has been carried out and completed to the satisfaction of the municipality, the owner must apply for a Certificate of Occupancy.
5. Any owner or person who contravenes the requirements of this By-law shall be guilty of an offence.

6.9 Certificates of Occupancy in Respect of Buildings

1. A municipality shall within 14 working days after the erection has been completed to issue a certificate of occupancy in respect of such building provided the owner applies for such a certificate with supporting documents-
- (a) issue such certificate of occupancy if it is of the opinion that such building has been erected in accordance with the provisions of this By-law and the conditions on which approval was granted.
 - (b) in writing notify such owner or person that it refuses to issue such certificate of occupancy if it is not so satisfied or if a certificate has not been so issued and submitted to it.
2. The municipality may, at the request of the owner of the building grant permission in writing to use the building before the issue of the certificate of occupancy for such period and on such conditions as may be specified in such permission.
3. Upon completion of the erection or installation of any building the person appointed to design such system and to inspect the erection or installation, shall submit a certificate to the municipality indicating that such system has been designed and erected or installed in accordance with the application in respect of which approval was granted. The following disciplines should submit Certificate of Compliance or Completion Certificates-
- (a) the structural system;
 - (b) Non-Destructive Testing for steel welding;
 - (c) the fire protection system;
 - (d) the fire installation system,
 - (e) Energy Efficiency;
 - (f) Land surveyor certificate – location/replacement of beacon pegs
 - (g) Gas installation system;
 - (h) Roof trusses;
 - (i) Plumbing installation;
 - (j) Electrical installation;
 - (k) NHBRC Enrolment Certificate (*Residential buildings*);
 - (l) Zoning Certificate;

- (m) Swimming pools Certificate;
 - (n) Glazing Certificate;
 - (o) Completion Certificate – Municipal Building Inspector
 - (p) Completion Certificate – Architect
 - (q) Completion Certificate – Engineer
 - (r) Soil poisoning certificate
 - (s) Artificial ventilation system certificate
 - (t) Structural stability certificate and report - As-built applications
 - (u) And others as the municipality may see fit
4. Any person who:
- (a) submits a certificate contemplated in subsection (3) which is substantially false or incorrect, knowing the same to be false or incorrect; or
 - (b) in a fraudulent manner issues or obtains a certificate shall be guilty of an offence.
5. The occupancy of any building shall be classified and designated according to the appropriate occupancy class given in column 1 of Table 1 and such classification shall reflect the primary function of such building.
6. In any building divided into two or more areas not having the same primary function, the occupancy of each such area shall be separately classified.
7. Before any building may be occupied a Certificate of Occupancy is required to be obtained from the Municipality. The certificate of occupancy may be issued by the Municipality when-
- (a) building rubble material has been removed from site and disposed to a legal dumping site and the owner will be required to provide the Building Control Officer with proof of a weighbridge certificate (or any alternative method the municipality is using) indicating that the full mass of the building rubble has been disposed to a licenced waste disposal facility;
 - (b) excess building material is removed from the road reserve and stored within the property.
 - (c) property must have a house number/ street number/ Erf number installed and visible from the street.
 - (d) driveway is constructed from the road to the entrance of the property.

6.10 Demolition requirements

1. No owner or person is permitted to demolish any structure, whether it is the whole building or alteration of existing structure without prior written permission by the municipality.
2. The application to demolish should be submitted to the Municipality subject to 14 days' notice of such intention thereof.
3. The owner or person must ensure that before any demolition work is carried out, and in order to ascertain the method of demolition to be used, a detailed structural engineering survey of the structure to be demolished is carried out by a competent person and that a method statement on the procedure to be followed in demolishing the structure is developed by that person.
4. During demolition, the competent person appointed by the owner of the building must check the structural integrity of the structure at intervals determined in the method statement contemplated in sub-section 3, in order to avoid any structural collapses.

5. The owner or person of such structure that is to be demolished must ensure that-
 - (a) no floor, roof or other part of the structure is overloaded with debris or material in a manner which would render it unsafe;
 - (b) all reasonably practicable precautions are taken to avoid the danger of the structure collapsing when any part of the framing of a framed or partly framed building is removed, or when reinforced concrete is cut; and
 - (c) precautions are taken in the form of adequate support or other means that may be necessary to prevent the accidental collapse of any part of the structure or adjoining structure;
 - (d) where the stability of an adjoining building, structure or road is likely to be affected by demolition work on a structure, steps are taken to ensure the stability of such structure or road and the safety of persons;
 - (e) ascertain as far as is reasonably practicable the location and nature of electricity, water, gas or other similar services which may in any way be affected by the work to be performed, and must ensure that before the commencement of demolition work that may affect any such service, take the steps that are necessary to render circumstances safe for all persons involved;
 - (f) every stairwell used and every floor where work is being performed in a building being demolished, to be adequately illuminated by either natural or artificial means;
 - (g) convenient and safe means of access to be provided to every part of the demolition site in which persons are required to work; and
 - (h) precautions are taken to erect a catch platform or net above an entrance or passageway or above a place where persons work or pass under, or fence off the danger area if work is being performed above such entrance, passageway, or place so as to ensure that all persons are protected where there is a danger or possibility of persons being struck by falling objects.
6. Where the demolition work involves the use of explosives, a method statement must be developed in accordance with the applicable explosives legislation, by an appointed person who is competent in the use of explosives for demolition work and all persons involved in the demolition works must adhere to demolition procedures issued by the appointed person.
7. Where there is presence of asbestos, the owner must ensure that all asbestos related work is conducted in accordance with the Asbestos Regulations, 2001, promulgated by Government Notice No. R. 155 of 10 February 2002.
8. Where there is presence of lead, the owner must ensure that all lead related work is conducted in accordance with the Lead Regulations, 2001, promulgated by Government Notice No. R.236 of 28 February 2002.
9. The owner of the site must make sure that all building waste and debris is removed and disposed of from site at a licenced waste disposal facility, providing the proof to the municipality of such facility.

6.11 Disposal of building rubble

When the building plans are submitted to the Municipality for approval in terms of NBR and this By-law;

1. The owner or the person must submit simultaneously therewith an integrated disposal management plan setting out:
 - (a) what provision is made for collection and disposal of building and other waste

- (b) what provisions are made to store the building waste on their property; or
 - (c) provide the permit to store the waste on council's property
2. Any person who directly or indirectly generates building waste or the owner of the property on which building waste is generated shall not store such waste in containers provided by the municipality for residential waste and shall remove and dispose of it at licence crushing plant or landfill site or any other licenced building waste disposal facility.
 3. When the building control official inspects the property where building works have been undertaken to check that it has been built in accordance with approved building plans, he or she shall also check if all building waste has been disposed of. The owner of the property will be required to provide the authorised official with proof of a weighbridge certificate or any acceptable method by municipality that they have disposed of the full mass of the building rubble at a licenced waste disposal facility for that category of waste prior to an occupancy certificate or final approval being granted.

6.12 Relay of storm-water from high-lying erven to lower-lying erven

1. If, in the opinion of the municipality, it is impracticable for the storm-water to be drained from the high-lying Erf direct to a public street, the owner of the lower-lying Erf is obliged to accept and permit the passage of such storm-water over the lower-lying Erf.
2. The owner of any site on which a building has been or is erected shall take all steps necessary to ensure that the storm-water from every building or open space on the premises is controlled evenly and disposed without affecting the adjoining property's walls or buildings or affecting municipal services of manholes or inspection chambers near the boundary of the site, street or servitude in which these surface channels or storm-water drains are located.
3. Submission of building plan is required prior to the storm-water to be conveyed either directly or along a servitude or natural stream or to install a soak-pit on site.
4. Manhole or inspection chambers shall be situated within 1, 5 m from the boundary of the site or street or servitude as the case may be.
5. Buildings and open areas which are paved with brick and cement, concrete asphalt or other impervious material to dispose of storm-water thereon by applying for a storm-water connection point in by submitting building plans for exceeding 60 percent of the hardened area.
6. The owner may employ systems of subsoil/ soak-away drains to drain away the storm-water, may do so provided it's more than 2m away from the buildings and or be designed by a registered competent person.

6.13 Expiry period of an approved building plan

Building plan application is valid for 12 months after being approved by the municipality. The owner or the person of the property must make sure that they commences the construction work within the period of 12 months. After which the owner may apply for an extension of 90 days at least 30 days before expiry.

6.14 Boundary walls

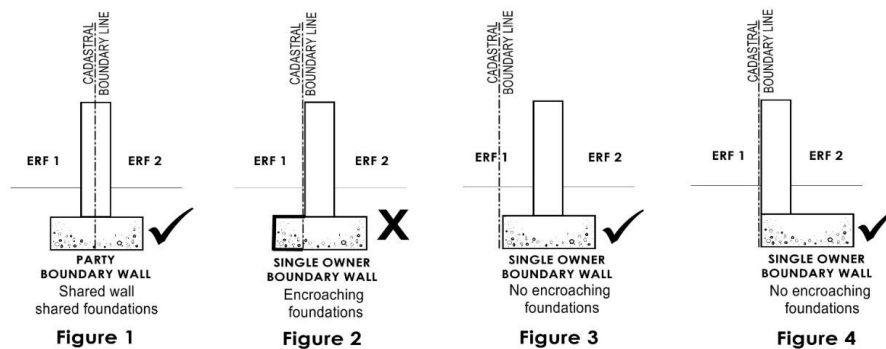
1. No person or owner is allowed to construct any boundary wall without written permission by the municipality; building plan application must be submitted to the municipality for front, sides and rear walls. This includes brick, block, palisade, precast fencing and clear vu fencing, etc.
2. All corner boundary pegs must be exposed and clearly visible at the time of building plan submission before the Building Inspector does a site pre-plan inspection, and the relevant **relocation certification** provided as per the obligations laid out in the application for building design form.
3. All owners of properties on the corner are required to submit applications for boundary wall approval, furthermore all walls adjacent to the street should not be solid.
4. Anyone who intend to build a boundary wall is required to notify the municipality in a form made available by the municipality.
4. The minimum height for walls constructed with bricks and blocks is 1.8metres and maximum is 2.1meters from the natural ground level.
4. The wall finish should be aesthetically pleasing.
5. The maximum height for the construction of precast concrete walls, palisade and clear-vu fencing is 1.8metres.
6. These height restrictions as stipulated in subsection c) & e) are applicable to front, sides and rear boundary wall. In the event where the applicant exceeds the maximum height prescribed by this By-law, the following will be required:
 - (a) a rational design by the competent person;
 - (b) signed consent letter(s) from adjacent properties affected.

6.15 Construction of boundary walls, fence, electrical fence and maintenance

6.15.1 Party Boundary Wall

1. Party boundary wall (as indicated in Figure 1 below) is a boundary wall standing on the land between two properties and forms a single boundary wall between them, with the centre of the wall and foundation being the dividing cadastral boundary;
2. The owner erecting the wall must:
 - (a) notify the adjoining owner within 14 days before construction;
 - (b) exercise reasonable care when carrying out works;
 - (c) avoid causing unnecessary inconvenience or damage to an adjoining property during the construction;
 - (d) commence the work within 12 months from the date of the approval and with due diligence.
 - (e) carry out the works in accordance with the building plans, sections or particulars as per approved building plans.

TYPICAL SECTIONS THROUGH PARTY BOUNDARY WALLS AND SINGLE OWNER BOUNDARY WALLS



6.15.2 Electric Fences

Electric fences shall conform to the following specifications:

1. It must be at least 1,8 m above the level of natural ground level at any point and cannot be more than 450mm.
2. It may only be erected on top of walls and fences, or attached to them.
3. Barbwire or razor fence cannot be electrified by energy.
4. It may not encroach over site boundaries.
5. The fencing along public road and pathway must have clear warning signs at least 100mm X 200mm in size with a background colour of yellow and all writing in black. The size of the writing must be at least 25mm and the signs need to be identical on both sides. There must be a warning sign at each gate, at each access point and along the fence with a spacing of not more than 10 metres between signs.
6. All fencing should be accompanied by either an electric fence system certificate of compliance (EFC) or a certificate of compliance (COC) from a competent person.

6.15.3 Maintenance

1. Each property owner is responsible for maintaining their side of the fence or party boundary wall regardless of who built the fence or wall because it benefits both parties.
2. Dispute:

Any party who causes the damage to the boundary wall, whether intentional or unintentional is liable for fixing the damage, however if the damage is caused by natural disaster both parties should share the cost as per whatever the agreement might be.

CHAPTER 7

CONSTRUCTION

7.1 Notice of intention to commence erection or demolition of a building, and notices of inspection

1. No work in connection with the erection or demolition of any building shall commence on site unless notice has been submitted, in the form required by the municipality, to municipality by the owner of such building, stating the date on which such erection or demolition will commence.
2. Such notice shall in the case of the erection of a building be given at least four days, exclusive of a Saturday, Sunday or public holiday, and in the case of the demolition of a building, at least 10 days, exclusive of a Saturday, Sunday or public holiday, before such work commences.
3. No owner shall construct any foundation until the trenches or excavations have been inspected and approved by the municipality.
4. No owner shall backfill or enclose a drainage installation until such installation has been inspected, tested and approved by the municipality.
5. Inspection request in the format required by the municipality "email" shall be given by the owner to municipality two working days prior to the commencement of each inspection stage.
6. If a municipality has been notified of the intention to commence with construction at any stage and the municipality fails to adhere to the notification, the owner is well within their rights to continue only if they can proof beyond reasonable doubt that the municipality was notified.
7. Any owner who fails to comply with the requirements of this regulation shall be guilty of an offence, provided that this requirement shall not apply if such inspection and testing has not been carried out by the end of the working day as per the notice submitted to the municipality.

7.2 Building materials and tests

1. Material used in the erection of a building shall be suitable for the purpose for which it is to be used.
2. The municipality may test or cause to be tested any material or component used or to be used in the erection of any building in order to determine whether such material or component complies with the requirements of SABS.
3. If any material or component tested does not comply with SABS the municipality may serve a notice on such person, stating the respects in which such material or component does not comply and prohibiting such person from making further use of such material or component for the purpose for which it was or is to be used in the erection of such building.
4. If any material or component contemplated in sub-section (2) is tested and has failed to comply with SABS the municipality may recover the cost of such test from the owner of the building concerned.

7.3 Exemption of Buildings from NBR or the By-law and Authorization for Erection Thereof

1. Any building control officer may in respect of the erection of a minor building work, in writing, grant authorization for the erection of such building in accordance with the conditions and directions specified in such authorization.
2. Any authorization granted shall lapse if after the expiry of a period of 6 months the erection of the building has not commenced. but any authorization may be extended at the written request of the owner if the building control officer is satisfied that there are sound reasons therefor.
3. If any building control officer refused to extend as the case maybe, any person who feels aggrieved may in writing request the municipality (Municipal Manager) to consider such refusal and thereupon municipality may confirm such refusal or extend such period on such conditions as it may think fit.

7.4 Deviation and Exemption from National Building Regulations

The building control officer after consultation with the municipality (Municipal Manager) may at the request in writing of the owner of any building or the land on which it is being or is to be erected, permit in writing a deviation or grant an exemption from any applicable national building regulation except a national building regulation regarding the strength and stability of buildings.

7.5 Erection of Buildings in Certain Circumstances Subject to Prohibition or Conditions

1. The municipality may by notice in writing, served by email or delivered, prohibit the person erecting such building or earthwork from commencing or proceeding with the erection. If any building or earthwork-
 - (a) in the opinion of the municipality is being or is to be erected in such manner that it-
 - (i) will not be in the interest of good health or hygiene;
 - (ii) will be unsightly or objectionable;
 - (iii) will probably or in fact be a nuisance to the occupiers of adjoining or neighbouring properties;
 - (iv) will probably or in fact derogate from the value of adjoining or neighbouring properties;
 - (b) is being or is to be erected on a site which is subject to flooding or on a site which or any portion of which in the opinion of the municipality does not drain properly or is filled up or covered with refuse or material impregnated with matter liable to decomposition.
2. Any person who fails to comply with any provision of a notice or condition referred to in subsection (1) shall be guilty of an offence and liable on conviction to a fine as tabled on the municipal tariff schedule and as approved by the magistrate court.

7.6 Erection of Buildings Subject to Time Limit

1. If for a period exceeding 3 months the erection of a building has not commenced, the municipality may by notice in writing, served by email or delivered, order the owner of such building to resume and to complete the erection of such building within the periods specified in such notice.
2. If the owner of a building on or to whom a notice was served or delivered, fails to resume or to complete the erection of such building within the periods specified in such notice and the municipality is of the opinion that such building is unsightly or dangerous to life or property or derogates from the value of adjoining or neighbouring properties, municipality may by notice in

writing, served by email or delivered, order such owner to demolish such building, to remove the material of which such building consisted and any other material or rubbish from the site in question, and to otherwise clean up such site within the period specified in the last mentioned notice.

3. If the owner of a building fails to comply with a notice served on or delivered to the municipality may demolish such building, remove the material of which such building and any other material or rubbish from the site in question and otherwise clean up such site, and may recover the costs thereof from such owner.
4. Any approval granted by a municipality shall lapse as soon as a notice is served on or delivered to the owner of the building in question in respect of such building.

7.7 Order in Respect of Erection and Demolition of Buildings

A magistrate shall have jurisdiction, on the application of any municipality to make an order prohibiting any person from commencing or proceeding with the erection of any building or authorizing municipality to demolish such building if such magistrate is satisfied that such erection is contrary to or does not comply with the provisions of this By-law or any approval or authorization granted thereunder.

7.8 General requirement

7.8.1 Deemed-to-Satisfy Requirements

The requirements of regulations shall be deemed to be satisfied where the structural strength and stability of any wall, the prevention of water penetration into or through such wall, the fixing of any roof to such wall and the behaviour in a fire of such wall, as the case may be, comply with SANS 10400-B, SANS 10400-D, SANS 10400-E, SANS 10400-F, SANS 10400-G, SANS 10400-H, SANS 10400-I, SANS 10400-J, SANS 10400-K, SANS 10400-L, SANS 10400-M, SANS 10400-N, SANS 10400-O, SANS 10400-P, SANS 10400-Q, SANS 10400-R, SANS 10400-S, SANS 10400-T, SANS 10400-V, SANS 10400-W, SANS 10400-XA, SANS 10124, SANS 10251-1

7.8.2 Foundations

1. The foundation of any building shall be designed and constructed to safely transmit all the actions which can reasonably be expected to occur from such building to the ground and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of a building or the functioning of any element of a building or equipment within a building
2. The requirement of sub-regulation (1) shall be deemed to be satisfied where the design and construction of such foundation complies with SANS 10400-H.

7.8.3 Floors

1. Any floor of any building shall -
 - (a) be designed and constructed to safely support its own weight and any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking), deformation or vibration do not compromise the efficient use of the building or the functioning of equipment supported by such floor; and
 - (b) have a fire resistance appropriate to its use and where required, be non-combustible.

2. The floor of any laundry, kitchen, shower-room, bathroom or room containing a toilet pan or urinal shall be water-resistant.
3. Any suspended timber floor in a building shall be provided with adequate under-floor ventilation.
4. Where any concrete floor slab is supported on ground or filling, such floor shall be so constructed that any moisture present in such ground or filling is prevented from penetrating such concrete floor slab.
5. The requirements of sub-regulations (1), (2), (3) and (4) shall be deemed to be satisfied where the design and construction of any floor complies with SANS 10400-J: Provided that where the municipality deems it necessary in order to satisfy the requirements of sub-regulation (4), municipality may require that the entire area within the foundation walls of any building be covered by a suitable damp-proof membrane, and in the case of the floor of a basement or semi-basement where the highest known level of the extreme watertable is higher than the floor level of the basement to such an extent that uplift of the floor might occur, the municipality may require that adequate sub-soil drains under the floor be provided together with means of removing the water so drained.

7.8.4 Walls

1. Any wall shall be designed and constructed to safely sustain any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise the opening and closing of doors and windows or the weather tightness of the wall and in the case of any structural wall, be capable of safely transferring such actions to the foundations supporting such wall.
2. Any wall shall have combustibility and fire resistance characteristics appropriate to the location and use of such wall.
3. Any wall shall be so constructed that it will adequately resist the penetration of water into any part of the building where it would be detrimental to the health of occupants or to the durability of such building.
4. Where a building includes a basement or semi-basement, the municipality may, if it considers that conditions on the site on which the building is to be erected necessitate integrated designs for the penetration of water into such basement or semi-basement applicable to all construction elements or components thereof, require the submission of such designs for approval. Construction shall be in accordance with the requirements of the approved design.
5. The requirements of regulations shall be deemed to be satisfied where the structural strength and stability of any wall, the prevention of water penetration into or through such wall, the fixing of any roof to such wall and the behaviour in a fire of such wall, as the case may be, comply with SANS 10400-K.

7.8.5 Roof fixing

1. Where any roof truss, rafter or beam is supported by any wall provision shall be made to fix such truss, rafter or beam to such wall in a secure manner that will ensure that any actions to which the roof may normally be subjected will be transmitted to such wall.
2. The roof of any building shall be so designed and constructed that it -

- (a) safely sustains any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
 - (b) is adequately anchored against wind uplift;
 - (c) is durable and does not allow the penetration of rainwater or any other surface water to its interior;
 - (d) does not allow the accumulation of any water upon its surface; and
 - (e) as part of a roof and ceiling assembly, provides adequate height in any room immediately below such assembly.
3. The fire resistance of any roof or roof and ceiling assembly complete with light fittings or any other component which penetrates the ceiling, shall be appropriate to its use and where necessary such roof or roof and ceiling assembly shall be non-combustible.

7.8.6 Stairways

Any stairway, including any wall, screen, railing or balustrade to such stairway, shall:

- (a) be capable of safely sustaining any actions which can reasonably be expected to occur and in such a manner that any local damage (including cracking) or deformation do not compromise its functioning;
- (b) permit safe movement of persons from floor to floor; and
- (c) have dimensions appropriate to its use.

7.8.7 Glazing

1. Any material used in the glazing of any building shall be of a secure and durable type and shall be fixed in a manner and position that will ensure that it will -
- (a) safely sustain any wind actions which can reasonably be expected;
 - (b) not allow penetration of water to the interior of the building; and
 - (c) be apparent, in the case of clear glazing, to any person approaching such glazing.
2. Glass, plastics and organic coated glass shall be selected in order to provide, in the case of human impact, a degree of safety appropriate in relation to -
- (a) the position of the glazed area; and
 - (b) the number and likely behaviour pattern of persons expected to be in close proximity to such glazed area.
3. All window from the 1st floor must be safety windows.

7.8.8 Lighting and Ventilation

1. Any habitable room, bathroom, shower-room and room containing a toilet pan or urinal, or any room which is a parking garage shall be provided with a means of lighting and ventilation which will enable such room to be used, without detriment to health or safety or causing any nuisance, for the purpose for which it is designed.
2. Any habitable room in any dwelling house or dwelling unit, or any bedroom in any building used for residential or institutional occupancy shall be provided with at least one opening for natural light.

3. Notwithstanding the provision of any openings for natural light, any room contemplated in subsection (1) or any corridor, lobby or staircase serving such room shall be provided with a means of artificial lighting.
4. Notwithstanding the provision of openings for natural ventilation any room subject to the Occupational Health and Safety Act No. 85 of 1993, shall in terms of the said Act be provided with artificial ventilation as prescribed by such Act; and any room contemplated in subsection (1)

7.8.9 Design, Testing and Approval of Artificial Ventilation Systems

1. No person shall without the prior written approval of the municipality install any artificial ventilation system in any building: provided that this prohibition shall not apply in the case of room air conditioners or other individual appliances installed for comfort.
2. Any rational design of an artificial ventilation system shall be carried out by or under the supervision of an approved competent person.
3. The owner shall at acceptable intervals of time submit to the municipality test reports indicating that any artificial ventilation system installed in terms of these regulations is operating in the designed manner,
4. Records and log books shall be kept of the commissioning information, operational management, monitoring and maintenance and repair of all ventilation plant, including individual ventilation fans.
5. Where specialist ventilation plants are provided as part of the protection measures against hazardous substances, and for the protection of occupants and to ensure safe procedures, such as in hospital theatres, such plant shall be inspected and validated at least every 12 months by an independent competent person.

7.8.10 Drainage

7.8.10.1 Compulsory Drainage of Buildings

1. Where in respect of any building a suitable means of disposal of water-borne sewage is available the owner of such building shall provide a drainage installation.
2. The owner of a building shall, at their own cost, lay, alter or extend any drain serving such building to terminate at a location and level as prescribed by the municipality for the connection to such sewer.
3. Where a connecting sewer has been provided to any site the owner of such site shall cause all sewage discharged from any building on such site to be conveyed by a drain to such connecting sewer.
4. Any owner who fails to comply with any requirement of sub-regulation (1) or (2), shall be guilty of an offence.

7.8.10.2 Design of Drainage Installations

1. Any drainage installation in any building shall be so designed and constructed that -
 - (a) an adequate number of sanitary fixtures is provided in relation to the population and class of occupancy of such building;
 - (b) such installation is capable of carrying the design hydraulic load;

- (c) such installation is capable of discharging into any common drain, connecting sewer or sewer provided to accept such discharge;
 - (d) all components and materials used in such installation are watertight;
 - (e) no nuisance or danger to health will be caused as a result of the operation of any such installation.
 - (f) any drain in such system is of such strength, having regard to the manner in which it is bedded or supported, that it is capable of sustaining the actions to which it may normally be subjected and that it is, where necessary, protected against any drainage;
 - (g) all sanitary fixtures are so located that they are easily accessible to those persons they are intended to serve;
 - (h) any necessary inspection, cleaning and maintenance required, may be performed through the means of access provided.
2. Where a municipality is of the opinion that the size or complexity of the drainage installation in any building renders it essential for such installation to be the subject of an approved rational design prepared by an approved competent person, municipality shall, in writing, notify the owner of such building of its reasons for the necessity for such design and may require such owner to submit for approval plans and particulars of a complete drainage installation based on such design.
3. Where the owner is forced to have a drainage/sewer pipe under their building, the following must be adhered to:
- (a) All sewer pipes that do not have a change in direction, positioned under floor slab or under walls must be protected with a minimum 150mm thick concrete encasement.
 - (b) Where there is a change in direction under the concrete of roofed open spaces, the rodding eye must be clearly visible.

7.8.10.3 Control of Objectionable Discharge

- (1) No person shall cause or permit sewage discharged from any sanitary fixture to enter
- (a) any stormwater drain, stormwater sewer or excavated or constructed watercourse;
 - (b) subject to the National Water Act, 1998 (Act No. 36 of 1998), any river, stream or natural watercourse whether ordinarily dry or otherwise; or
 - (c) any street or other site.
- (2) No person shall cause or permit stormwater to enter any drainage installation on any site.
- (3) The municipality may by notice in writing order the owner of any site to execute, at his own cost, any precautionary measures required by the municipality to prevent such entry contemplated in sub-regulation (1) or (2), as the case may be.
- (4) No person shall, without the written permission of the municipality, discharge or cause the discharge of any water from a swimming pool, fountain or reservoir, either directly or indirectly, onto any public street or public place, or onto any site other than onto the site upon which such swimming pool, fountain or reservoir is situated.
- (5) Any person who contravenes or permits the contravention of any requirement of this regulation or fails to comply with a notice served on him in terms of sub-regulation (3), shall be guilty of an offence.

7.8.10.4 Industrial Effluent

1. (a) Where any person has obtained approval to discharge into any drain any liquid or solid matter, other than soil water or waste water, and where any additional drainage and other installations including storage, pre-treatment and metering installations are required by the municipality as a condition of such approval, such person shall submit any plans and other details of such installations required by the municipality.
(b) The installations contemplated in paragraph (a) shall be constructed in accordance with the relevant requirements of these regulations and shall be maintained in good working order.
2. Any person who constructs an installation contemplated in sub-regulation (1) other than in accordance with such approval, shall be guilty of an offence.

7.8.10.5 Disconnections

1. Where any soil fixture is permanently disconnected from any soil pipe, or where any soil pipe is permanently disconnected from any drain, the owner shall seal the opening to such pipe or drain in such a manner that such disconnection will not be a danger to health.
2. Where any drain is permanently disconnected any remaining part shall be sealed by the owner of such drain.
3. When any drainage installation is disconnected from a connecting sewer the municipality shall be notified, in writing, by the owner thereof within 30 days from the date of such disconnection.
4. Any person who contravenes any requirement of this regulation, shall be guilty of an offence.

7.8.10.6 Unauthorized Drainage Work

(1) Unless authorized by the municipality -

- (a) no person shall in any manner interfere with any sewer or connecting sewer;
 - (b) no person shall break into or interfere with any part of a drainage installation other than for the purpose of repair and maintenance.
- (2) Any person who carries out or permits the carrying of any unauthorized work shall be guilty of an offence.

7.8.10.7 Inspection and Testing of Drainage Installations

- (1) Any drain, discharge pipe or ventilating pipe shall be so installed as to be capable of withstanding the test pressures contemplated in rule PP26 or PP27, as the case may be, contained in SANS 10400-P and such tests shall be carried out in the presence of the building control official or municipal plumber of, or other officer duly authorized by, the municipality.
- (2) Any equipment, material or labour required for any inspection or any testing shall be made available by the person installing such pipe or drain.
- (3) No person shall put into use any drainage installation before such installation has been inspected, tested and passed by the municipality as complying with these By-law or regulations.
- (4) Any person who contravenes the requirement of sub-regulation (3), shall be guilty of an offence.

7.8.10.8 Non-water-borne means of sanitary disposal

No person shall construct any pit toilet without the permission of the municipality.

7.8.10.9 Means of Disposal

1. Where water-borne sewage disposal is not available other means of sewage disposal shall be permitted by the municipality: Provided that:

- (a) it stores, conveys, processes and disposes of human body wastes and wastewater in such a way that the pathogens, pollutants and contaminants associated therewith do not compromise the health and safety of the original user or others; and
- (b) in the case of chemical or toilet a satisfactory means is available for the removal and disposal of sewage from such closets;

7.8.11 Stormwater disposal

- (1) The owner of any site shall provide suitable means for the control and disposal of accumulated stormwater which may run off from any earthworks, building or paving.
- (2) Such means of stormwater disposal may be in addition to or in combination with any drainage works required.
- (3) Where a municipality is of the opinion that the conditions on any site render it essential for stormwater disposal to be the subject of an acceptable rational design prepared by an approved competent person, municipality shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete stormwater control and disposal installation for such site and for any building erected thereon, based on such design.

7.8.12 Facilities for persons with disabilities

1. In any building requiring facilities for persons with disabilities:
 - (a) persons with disabilities shall be able to safely enter the building, use all the facilities subject within it and leave it;
 - (b) there shall be a means of access suitable for use by persons with disabilities, from the main and ancillary approaches of the building to the ground storey; via the main entrance, and any secondary entrance;
 - (c) there shall be a means of egress suitable for use by persons with disabilities from any point in a building to a place of safety in the event of an emergency;
 - (d) any lift installation that is provided shall be capable of serving the needs of persons with disabilities who are likely to be using the building; and
 - (e) any commonly used path of travel shall be free of obstacles which limit, restrict or endanger the travel of persons with disabilities, or which prevent persons with disabilities from accessing the facilities provided in the building and the presence of such obstruction shall be made evident in a suitable manner to persons with impaired vision; and
 - (f) a suitable means of access shall be provided to any auditorium or hall situated in any building and such auditorium or hall shall, in relation to its seating capacity, be provided with sufficient open space to accommodate a reasonable number of people who use wheelchairs or other assistive devices.
2. Where parking for more than 50 motor vehicles is provided in or in connection with any building having a means of access, adequate parking space shall be provided for the parking of motor vehicles used by persons with disabilities and a suitable means of access shall be provided from the parking area, whether such parking area be inside or outside such building, to the ground storey of such building

3. Where toilet facilities are required and the building is one requiring facilities for persons with disabilities an adequate number of such facilities shall be suitable for use by persons with disabilities.

7.8.13 Fire Installations and Protection

7.8.13.1 Fire Protection

1. Any building shall be so designed, constructed and equipped that in case of fire -
 - (a) the protection of occupants or users, including persons with disabilities, therein is ensured and that provision is made for the safe evacuation of such occupants or users;
 - (b) the spread and intensity of such fire within such building and the spread of fire to any other building will be minimized;
 - (c) sufficient stability will be retained to ensure that such building will not endanger any other building: Provided that in the case of any multi-storey building no major failure of the structural system shall occur;
 - (d) the generation and spread of smoke will be minimized or controlled to the greatest extent reasonably practicable; and
 - (e) adequate means of access, and equipment for detecting, fighting, controlling and extinguishing such fire, is provided.
2. Where the municipality is of the opinion that with regards to design, construction and equipment of any building no compliance can be determined, municipality shall, in writing, notify the owner of the building of its reasons for its opinion and may require the owner to submit for approval a rational design prepared by an approved competent person.

7.8.13.2 Fire Installations

All approved fire installations shall be connected to a communication pipe supplied by the municipality: Provided that municipality may, subject to any conditions it may consider necessary, allow such fire installation to be connected to -

- (a) any approved alternative source of supply; or
- (b) any source of non-potable water where such water is not to be used for domestic or any other purpose which, in the opinion of municipality, might give rise to a health hazard.

7.8.13.3 Design, Construction and Installation of space heating

Any system of space heating in any building shall be so designed, constructed and installed as to operate safely and any flue, flue pipe or chimney used in such system shall be so designed as to safely remove any smoke or noxious gases produced by such system.

7.8.13.4 Design of Fire Installations

In any fire installation -

- (a) adequate and suitable connection and means of measuring water pressure shall be provided;
- (b) so many isolating valves shall be provided to control the flow of water to the installation, and to such points within the installation, as the municipality may require; and
- (c) the quantity, pressure and rate of flow of water shall be adequate for the supply of any hose reel, hydrant or sprinkler system connected thereto.

7.8.13.5 Deemed-to-satisfy requirements

Where a municipality is of the opinion that it essential for the fire installation to be the subject of an acceptable rational design prepared by an approved competent person, municipality shall, in writing, notify the owner of such site of its reasons for the necessity for such design, and may require such owner to submit for approval plans and particulars of a complete fire installation, based on such design.

7.8.13.6 Offences

(1) Any owner of any building who fails to -

(a) provide sufficient fire extinguishers or who installs fire extinguishers that do not comply with the relevant South African national standard, or who fails to ensure that such fire extinguishers are installed, maintained and serviced in accordance with SANS 10105; or

(b) maintain any other provision made shall be guilty of an offence.

(2) Any person who causes or permits any escape route to be rendered less effective or to be obstructed in any way which may hinder or prevent the escape of any person from a building in the case of fire or any other emergency shall be guilty of an offence.

CHAPTER 8

PROTECTION OF THE PUBLIC

8.1 Construction Site

1. The protection of the edge of any balcony, bridge, flat roof of similar place shall be designed to prevent any person from falling from such balcony, bridge, flat roof or similar place.
2. Any ramp or driveway shall be so designed that it is safe when used and is fit for the purpose for which it is intended.
3. Where any pedestrian entrance is provided to a vehicle parking area in any building, such entrance shall be so positioned, marked or protected that no pedestrian can unintentionally walk into the path of any moving vehicle.
4. In cases where danger or serious inconvenience to the public may ensue from the demolition or erection of a building on any site, the municipality may require that the owner of such site, before such work is commenced, shall erect a fence, hoarding or barricade to prevent the public from entering such site and to protect them from the activities on such site.
5. The requirements of subsection 1, 2, and 3 shall be deemed to be satisfied where change in level, the design of ramps and driveways as the case may be, complies with SANS 10400-D.

8.2 Swimming Pool

1. The owner of any site which contains a swimming pool shall ensure that access to such swimming pool is controlled and if anyone is injured or drowns in a swimming pool which is "improperly fenced" the owners public liability insurance may well be nullified.
2. The pool has to be surrounded by a wall or a fence and this wall/fence has to be erected according to NBR and be such that a child should not be able to climb over, through or underneath it.
3. The entrance and the exit doors will be required to have self-latching devices and the entrance and exit door will have no gaps larger than 100 millimetres.
4. The pool which is not to be fenced has to be covered with an approved fitted swimming pool net and a certificate of compliance of the net has to be issued.
5. Swimming pools which have been fenced before the passing of the By-law may be inspected by a municipal official to confirm that the fence is adequate and if it is a certificate of compliance would be issued to the property owners.
6. Any owner who fails to comply with these requirements shall be guilty of an offence.
7. The requirements of subsection 1, 2, 3, 4, 5 and 6 shall be deemed to be satisfied where access to swimming pools, as the case may be, complies with SANS 10400-D.

8.3 Street Levels

1. Where any building is to be erected on a site bordering a constructed street the owner of such building shall erect such building in accordance with the levels of such street.
2. Where any portion of any street adjoining the site on which any building is to be erected has not been constructed the owner of such building shall request, in writing, from the municipality the levels at which such portion of the street is intended to be constructed.

3. The municipality shall, where in its opinion it is practicable for it so to do and within 21 days after receipt of a request contemplated in subsection (2), supply the required levels.
4. If the municipality is unable to comply with the provisions of subsection (2) it shall notify such owner, in writing, to that effect.

8.4 Demolition of any building

1. No owner of any site shall demolish or cause or permit to be demolished any building without the prior written permission of the municipality.
2. The municipality may, in granting such permission, impose any condition or requirements for the safety, health and convenience of the public, and for the safety of any other building or installation which in its opinion may be affected by such demolition.
3. No person shall at any time during the course of or after the demolition of a building leave it in a condition dangerous to the public or any adjoining property.
4. . The municipality may prohibit the use of any method to be applied in the demolition of any building where in its opinion such method will create or cause to be created any danger to any person or other building or property, and where it so prohibits it shall, on the request of the owner of such building, give its reasons, in writing, for such prohibition.
5. Where a condition arises the municipality may serve a notice on such person requiring him to make the site safe, and if he fails so to do, the municipality may itself carry out the necessary work and recover the cost thereof from such person

8.5 Maintenance and Operation

1. The owner of any building shall ensure that any mechanical equipment, facility or any service installation provided in or in connection with such building, pursuant to this By-law or pursuant to any regulations which was in operation prior to the coming into operation of the NBR Act, shall be maintained in a safe and functional condition.
2. The owner of any building shall ensure that pursuant to this By-law or pursuant to any regulations that was in operation prior to the coming into operation of the NBR Act, the following is maintained in accordance with the requirements of the relevant functional regulations:
 - a) the structural safety performance (behaviour of buildings under all actions that can be reasonably expected to occur);
 - b) the measures taken to resist the penetration of rainwater and the passage of moisture into the interior of a building.
3. The municipality may serve a notice on such owner or person requiring him to comply with subsection (1) or (2) within the time specified in such notice.
4. The municipality may, by notice, in writing to the owner, order the evacuation of such building where the state of such building, equipment, installation or facility will cause conditions which in the opinion of the municipality may be detrimental to the safety or health of the occupiers or users of such building.
5. Any owner or person who contravenes the requirements of subsection (1) or (2) or fails to comply with any notice served in terms of subsection (3) or (4) shall be guilty of an offence.

8.6 Control of plumbers and plumbing work

1. No person shall perform the trade of plumbing unless he is a trained plumber or works under the adequate control of a trained plumber or approved competent person.
2. Any trained plumber who causes or permits any person who is not a trained plumber practise the trade of plumbing without adequately controlling the work done by such person, shall be guilty of an offence.
3. Any person not being a trained plumber who practices the trade of plumbing shall be guilty of an offence.
4. No municipality shall, for the purposes of these By-laws or regulations, register any person to practise the trade of plumbing after the coming into operation of the NBR Act.

8.7 Pointing out of boundary beacons

1. Boundary pegs must be exposed prior to the commencement of any construction work on site at the time of building plan submission.
2. If pegs have been removed or cannot be found a professional registered land surveyor must be appointed by the owner to expose and position new pegs.
3. Stating the name of the nearest cross street and the approximate distance of the nearest boundary of the site from such street
4. Expose the metal peg and use wood or plastic indicators to flag the position of the peg.

8.8 Excavations general stability requirement

1. Where any excavation related to a building is carried out or is to be carried out on any site and such excavation may impair the safety or stability of any property or service, the owner of such site shall take adequate precautionary measures to ensure that the safety and stability of such property or service is maintained.
2. Where the safety or stability of any property or service is likely to be impaired by such excavation, or where the depth, at any point, of such excavation is likely to be more than 3m, the owner of the site shall -
 - a) obtain the prior written authorization of the municipality for such excavation; and
 - b) take the precautionary measures specified by the municipality or an approved competent person in such authorization.
3. The owner of any site shall, at least two days (excluding weekends and public holidays) prior to the commencement of any excavation, notify the municipality in writing of his intention to excavate.
4. Any owner or person who fails to comply with any requirement of this regulation, shall be guilty of an offence.
5. The requirements of excavations shall be deemed to be satisfied where the excavation complies with SANS 10400-G.

8.9 Geotechnical site and environmental conditions

1. Where the municipality has reason to believe that a site upon which a building is to be erected:
 - (a) is situated on contaminated land;

(b) is situated on potentially unstable land to the extent, insofar as risk can reasonably be foreseen, that ground movements caused by land-slip, slope stability or subsidence may impair the stability of the building or part thereof or pose a threat to the safety of occupants; or

(c) is underlain by subsoils which have the potential to cause foundation movements caused by swelling, consolidation, shrinkage or settlements and as a result may impair the stability of the building or part thereof;

it shall on receipt of an application for the erection of the building inform the applicant accordingly and on receipt of any such notification or where the applicant is aware of such conditions or they are evident, such applicant shall appoint an approved competent person to undertake an appropriate geotechnical site investigation.

2. Geotechnical investigations conducted in accordance with the requirements of SANS 10400-B in the case of dolomite lands and SANS 10400-H in the case of foundations for buildings shall be deemed to be appropriate investigations.

8.10 Soil Poisoning

Drill holes that are one meter apart around the foundations' parameter and also under concrete slab., the soil in all areas within the site as defined in code of practice SANS 10124 shall be treated in accordance with the recommendations of SANS 10124. Soil poisoning certificate of compliance should be available at request.

8.11 Control of unreasonable levels of dust and noise

1. The owner of any land on which excavation work is in progress or on which any building is being erected or demolished shall take precautions in the working area and on surrounding roads and footways to limit to a reasonable level the amount of dust arising from the work or surroundings thereof.
2. No person shall during the course of any building, demolition or excavation work use any machine, machinery, engine, apparatus, tool or contrivance, which in the opinion of the municipality may unreasonably disturb or interfere with the amenity of the neighbourhood:
 - (i) on a public holiday or Sunday
 - (ii) before 07:00 or after 15:00 on any Saturday; and
 - (iii) before 08:00 or after 17:00 on any day other than those days contemplated in subparagraphs (i) and (ii)
3. Any owner or person who contravenes a provision of this regulation shall be guilty of an offence.

8.12 Cleaning of Site

1. Any owner or person erecting or demolishing any building shall remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public street or public place affected by such material or matter during or after the completion of such erection or demolition, failing which the municipality may, by written notice, order the owner of such building to have such surplus material and matter removed within a period specified in such notice.
2. Any owner or person who fails to comply with a provision of sub-regulation (1) or a notice served on him in terms thereof, shall be guilty of an offence.

8.13 Builder's sheds

1. Any owner or person carrying out or performing work in connection with the erection or the demolition of any building, may erect on the site of such work such temporary builder's sheds as may be necessary.
2. The construction and location of such sheds shall be to the satisfaction of the municipality and such sheds shall be maintained in good order.
3. Such sheds shall only be used for a purpose connected with the carrying out or the performance of the work referred to in subsection (1).
4. On completion or termination of the work referred to in subsection (1) or where such sheds are no longer necessary for the purpose for which they were erected, they shall be removed from the site by the owner.
5. Security personnel employed in connection with a building which is being or which is to be erected or demolished may be accommodated in builder's sheds, subject to such requirements and conditions as may be necessary for the safeguarding of public health and the health of such personnel and for avoiding nuisance or inconvenience to persons in the vicinity of such building.
6. Any owner or person who fails to comply with any provision of this regulation or any notice served on him in terms thereof, shall be guilty of an offence.

8.14 Sanitary Facilities

No owner or person shall commence or continue the erection or demolition of any building unless approved sanitary facilities for all personnel employed on or in connection with such work have been provided or are available on the site.

1. Where such facilities have not been so provided the municipality may order the termination of such work until the required facilities have been provided, and should such order not be complied with, the municipality may install such facilities and recover the costs of such installation from the owner of the site.
2. Any owner or person who contravenes any provision of these regulation or fails to comply with an order served on him in terms thereof, shall be guilty of an offence.
3. The requirements of subsection (1) shall be deemed to be satisfied where the provision of sanitary facilities complies with SANS 10400-F.

CHAPTER 9

ENFORCEMENT

9.1 Appointment of the Municipal Building Control Enforcement Officials

Municipal Building Control Enforcement Officials are employees of the Gamagara Local Municipality appointed in relation to the National Building Regulations and Building Standards Act 103 of 1977 and having certification of a competency for law enforcement and furthermore appointed as peace officers in terms Section 334(2)(a) of Criminal Procedure Act No 51 of 1977 and endorsed by the 'Accounting Officer' the Municipal Manager.

9.2 Powers and Functions of a Municipal Building Control Enforcement Officer

The powers conferred upon a Peace Officer in terms of Section 41(1) of the Criminal Procedure Act 1977, in terms of 'Section 334' to exercise the relevant powers namely:

1. The issue of written notices in terms of Section 341 'Spot Fines' i.t.o CPA
2. The issue of written notices in terms of Section 56 'Notice of intention to Prosecute' i.t.o CPA
3. The execution of Warrant of Arrest in terms of Section 44 and 55(2) 'Warrant' i.t.o CPA
4. To enforce the National Building Regulations Act 103 of 1977, SANS 10400
5. To enforce the Gamagara Local Municipality Building Control By-law

9.3 Offences and penalties

1. Any person who contravenes any provision or fails to comply with any notice issued in terms of this By-law, commits an offence and may at the sole discretion of the municipality be fined on the spot to the extent as stipulated in Annexure 'A' refers to contravention of the NBR Offences.
2. Any person who contravenes any provision or fails to comply with any notice issued in terms of these By-laws, commits an offence and shall be liable for criminal prosecution, in addition to the spot fines as contemplated in subsection 1, and may upon conviction be liable for a fine as per the fine schedule or imprisonment for a period not exceeding one year or both such fine and imprisonment.
3. Fines stipulated in "Annexure A" are subject to annual increase in line with municipal tariff schedule policy.

9.4 Contravention penalty charge to prevent the continuation of an activity that constitutes an offence

If the contravener fails to Comply with subsection 9.3(2) and continues activities, Building Control Enforcement Official may-

1. approach the courts to acquire an interdict to cease such activities/contraventions;
2. approach the courts to issue a Warrant of Arrest;
3. recommend that the Municipal Accounts services disconnect engineering services;
4. recommend that the Municipal Accounts services to be reconnected at contraveners cost.
5. Impose spot fines tabled in annexure 'A' to the Municipal Rates Account billing.
6. Institute a warrant of arrest and refer the matter to the municipal team.

9.5 Entry by building control enforcement official

1. Any building control enforcement officer may enter any building at any reasonable time with a view to-
 - a) inspect, monitor, investigate or determine whether the building complies with any provision of this By-law;
 - b) take photos of the building, whether of the outside of the building or any internal aspect of the building, including any residence.
 - c) serve the owner of the building with a contravention notice contemplated in this By-law or any other legislation;
2. No person shall hinder or obstruct any building control enforcement official in the exercise of his or her powers in terms of the By-law.
3. Any building control official shall, when entering the premises, produce a valid identification document issued to them by the municipality to the owner of such building.
4. In the view that requires an immediate action, the Building Control Officer may enter any property or building at any given time.

9.6 Observance of confidentiality pertaining to entry for enforcement purposes

1. Notice, order or document required or authorised to be served upon or given to any person under these By-laws may be served or given by hand delivering or email to the same or a true copy thereof to some person on the premises belonging to or occupied by the person upon whom such service is to be made, or, if there is no person to be found upon such premises who can be so served, by affixing such notice, order or document in a conspicuous part of the premises.
2. Any such notice, order or document may also be served by registered post, and if so served by registered post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post.
3. Any such notice, order or document may be addressed by the description of the 'owner' or 'occupier' of the premises (naming such premises) in respect of which such notice, order or document is served, without further name or description.

9.7 A person commits an offence if they are – 18 years or older-

1. obstructs, hinders, or in any manner interferes with the enforcement official who is acting or entitled to act in terms of this By-law.
2. fails to obey any lawful instruction or direction given to him or her in terms of this By-law.
3. a person is guilty of a continuing offence if they continue with an offence after notice has been served on them in terms of this By-law requiring him or her to cease committing such offence.

9.8 Relationship between remedies provided in this By-law and other statutory and common law remedies

Land activities which constitute unlawfulness, the building control enforcement official may:

1. Install and display a safety notice on the site for public protection.

2. Instruct/Issue Notice to contravener to barricade property.
3. To rectify/cease unlawful land activities.

CHAPTER 10

APPEALS

10.1 The Appeal Procedure

1. Any person whose rights are affected by a decision taken by the municipality in terms of this By-law or any other legislation may appeal against that decision in terms of the Appeals provision contemplated in the National Building Regulations Act Section 9 by giving a written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
2. The appellant must serve the written appeal on the Municipal Manager.
3. The Municipal Manager may rule that an appeal is invalid if it is not lodged within the time period contemplated in subsection 1.
4. The Municipal Manager must acknowledge receipt of an appeal in writing within 7 working days of receiving it.
5. An applicant or a person who has a right of appeal and a person who is entitled to lodge a written opposition to an appeal, may, within the 21 working days allowed for the lodging of an appeal or written opposition to an appeal, apply to the Municipal Manager for an extension of the period within which to lodge a written appeal or written opposition to an appeal.
6. An application for an extension of the period within which to lodge a written appeal or written opposition to an appeal must be in the form of an affidavit, showing good cause as to why the application should be granted.
7. A person who was served with the written appeal may, within 14 working days from the date of receipt of the memorandum of appeal, refer the memorandum of appeal to the Appeal Authority Board.
8. A person who was served with the appeal may in writing notify the Appeal Authority Board that they do not oppose the appeal and an investigation should be conducted.

10.2 Appeal Authority Board Structure

1. Chairman: Director-Development & Planning
2. Member: Director-Public Works and Basic Services
3. Member: Manager Risk, Legal & Compliance
4. Secretary: Building Inspector

10.3 Evaluation and referral of an appeal

1. The evaluation report must include –
 - a) the details of the application for municipal building control approval and a summary of the procedure followed;
 - b) the memorandum of appeal submitted;
 - c) the responding memorandum in opposition to the appeal submitted, if any;
 - d) the applicant's response to the responding memorandum, if any; and

- e) confirmation that appeal complies with NBR, this By-law and any relevant procedure, or details of the defect, if it does not.

10.4 Appeal Hearing

1. An appeal hearing may be disposed of by means of :
 - a) an oral hearing; or
 - b) written proceedings

10.5 Record of Decision by the Appeal Authority Board

1. The Municipal Manager must make a decision on the appeal within 30 working days after the last date of the appeal consideration or hearing and provide the reasons thereof.
2. The appeal decision must:
 - a) determine whether the appeal falls within the jurisdiction of the Municipal Building Control Appeals Authority Board;
 - b) confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which accrued as a result of the decision;
 - c) furnish written reasons for its decision;
 - d) give directions relevant to its functions to the Municipality.

10.6 Notification of outcome of appeal

The Municipal Manager must notify the parties aggrieved of the decision of the Appeal within 7 working days after the date of making a decision.

10.7 Offences in connection with proceedings before Appeal Authority

1. A person is guilty of an offence, if the person –
 - a) without valid reason, and after having been subpoenaed to appear at the proceedings to testify as a witness or to produce a document or other object, fails to produce the required document and/or attend the proceeding on the date, time and place specified in the subpoena;
 - b) after having appeared in response to the subpoena, fails to remain in attendance at the venue of those proceedings, until excused by the chairperson of the appeal hearing concerned;
 - c) as a witness, refuses to take the oath or to affirm their testimony;
 - d) refuses to answer any question fully and to the best of their knowledge and belief;
 - e) without good reason fails to produce a document or object in response to a subpoena;
 - f) wilfully hinders or obstructs the Appeal Authority Board in the exercise of its powers;
 - g) disrupts or wilfully interrupts the proceedings;
 - h) insult and belittles any member of the Appeal Authority Board;
 - i) prejudices or improperly influences the proceedings; or
 - j) after entering a premises for the purposes of a site visit, subsequently discloses to any other person trade secrets or any privileged information obtained whilst entering upon land or entering a building, except if the disclosure –

- i. was made for the purposes of deciding the appeal; or
 - ii. was ordered by a competent court or is required under any law.
- 2. A person is guilty of an offence –
 - a) when obstructing the Appeal Authority Board in exercising a power under this By-law by failing, without good reason, to answer, to the best of that person's ability, a lawful question by the Appeal Authority Board;
 - b) when obstructing a person who is acting on behalf of the Appeal Authority Board; or
 - c) when attempting to exercise a power under this By-law on behalf of the Appeal Authority Board, without the necessary authority.
- 3. A person convicted of an offence in terms of this section is liable on conviction to a fine not exceeding R5 000.

CHAPTER 11

Problem Buildings

11.1 Notice of intention to declare the building as a problem building

In the event that the Municipality is of the opinion that the building should be declared a problem building as defined in Chapter 1 of this By-law, it must serve a written notice to the owner:

1. informing the owner that the Municipality intends to declare the building to be a problem building;
2. giving reasons why the Municipality intends to declare the building to be a problem building;
3. inviting the owner to make a written presentation, within 7 days of the notice, on why the building should not be declared a problem building; and
4. providing an address, email address to which representation may be submitted.

11.2 Declaration of a problem building

The Municipality must, after considering any representation received from the owner as referred to Section either:

1. decide not to declare the building to be a problem building or;
2. declare the building to be a problem building.

11.3 Compliance notice

The authorised official shall serve the notice on the owner, or occupant, or representative of the owner of any building which has been declared a problem building requiring such owner within a specified period to-

1. repair, renovate, repaint, alter, close, demolish, secure, or remove all refuse from such problem building;
2. complete the construction of a problem building or any structure of such building; enclose, fence or barricade such problem building to the satisfaction of the Municipality;
3. appoint and instruct, at the cost of such owner, an approved competent person, referred to "A19" of the NBR, to examine a condition that gave rise to the declaration of such problem building and to report to the authorised official on the nature and extent of the steps to be taken, which in the opinion of such approved competent person needs to be taken in order to render such problem building safe;
4. dispose of, destroy or remove any material or article accumulated, dumped, stored or deposited in any building, which is refuse or waste and which is showing signs of becoming unsightly, unsanitary, unhealthy or objectionable or is likely to constitute an obstruction; or
5. comply with any provision of this By-law.
6. The municipality may, if such owner fails to comply with a notice served on them, repair, renovate, repaint, alter, close, demolish, remove all refuse or secure any problem building and recover such costs from the owner.
7. The municipality may, if the owner fails to pay such cost including any fine which may be imposed on to the person concerned, recover the cost by charging it to the owner's municipal account or institute court action.

11.4 Serving of a notice

1. Whenever a compliance notice is required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person-
 - (a) when it has been delivered to him or her personally;
 - (b) When it has been emailed or faxed to the registered email address or fax number with the municipality;
 - (c) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 18 years;
 - (d) when it has been posted by the registered or certified mail to his or her last known residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;
 - (e) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
 - (f) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to conspicuous place on the building.

11.5 Profiling problem buildings

1. The municipality must, as soon as possible after a building has been declared to be a problem building, undertake an investigation to identify-
 - (a) those aspects of the building which are in contravention of this By-law and any other legislation;
 - (b) any risk to the safety of the occupants of the problem building or public;
 - (c) profile the occupants to determine the following characteristics of the occupiers:
 - (d) the number of children;
 - (e) the number of women;
 - (f) the number of disabled persons;
 - (g) the number of elderly persons;
 - (h) the number of people residing per room and the area of each room occupied as a residence;
 - (i) the total number of people residing in the problem building.
2. The owner or the authorised agent of the problem building is entitled to be present while investigation is being undertaken and, if so present, must be given the opportunity to make representations during such investigation.
3. Where the representations have been made the authorised official must write down such representations and ensure that the owner or authorised agent is given the opportunity to sign such representation.

11.6 Ban on new occupants

1. The municipality may, once a problem building has been profiled, apply to the court for an interdict restricting the owner/ authorised agent-
 - (a) allowing any other people, in addition to those identified in the profile of occupants, from occupying or residing at the building.

- (b) filling any vacancy which may arise as a result of any person identified in the profile of occupants vacating the building.

11.7 Rehabilitation of problem buildings

1. Engagement with the owner
2. The municipality must, once a problem building has been profiled as contemplated, serve a notice to the owner:
3. identifying those aspects of the building which are in contravention of this By-law or any other applicable laws;
 - (a) identify any risks to the safety of the occupiers of the problem building and public;
 - (b) specify steps which the owner is obliged to take within the time specified in the notice, in order to rectify those contraventions or remove those risks.

11.8 Eviction

Where the owner of a problem building fails to comply with a compliance notice, the municipality may after having complied with the engagement process with the occupants, apply to court to order for the eviction of the occupants.

CHAPTER 12

GENERAL PROVISIONS

12.1 Legal indemnification

If a claim is made or legal proceedings are instituted against a member of the Building Control or their support staff arising out of any act or omission by the member or support staff in the performance of his or her duties or the exercise of his or her powers in terms of this By-law, the Municipality must, if it is of the opinion that the person acted or omitted to act in good faith and without negligence–

- (a) if a civil claim or civil proceedings is instituted against the person –
 - i. indemnify the person in respect of such claim or proceedings; and
 - ii. provide legal representation for the person at the cost of the Municipality or pay taxed party and party costs of legal representation.
- (b) if a criminal prosecution is instituted against the person, provide for legal representation for the person at the cost of the Municipality.

12.2 Member of Building Control or their support staff

A member of building control unit has no legal indemnification if they, with regard to the act or omission, is liable in law and–

- 1. intentionally exceeded their powers;
- 2. made use of alcohol or drugs;
- 3. did not act in the course and scope of their employment, designation or appointment;
- 4. made an admission that was detrimental to the Municipality; or
- 5. failed to comply with or ignored standing instructions, of which they were aware of or could reasonably have been aware of, which led to the loss, damage or reason for the claim.
- 6. The Municipality may determine by means of a policy or by other means–
 - (a) the terms and conditions of such indemnity and legal representation; and
 - (b) circumstances in addition to the circumstances contemplated in this section in which indemnity or legal representation may be withdrawn by the Municipality.

12.3 Calculation of number of days

- 1. If this By-law prescribes a period for performing an action, the number of days must be calculated by including the first day, excluding any public holidays, and by excluding weekends and the last day, unless the last day happens to fall on a Saturday, Sunday or public holiday, in which case the first work day immediately following the Saturday, Sunday or public holiday must be regarded as the last day of the period.
- 2. Days that the Municipal Council is officially in recess must be excluded from the period in which the Municipality must perform an action in terms of this By-law.

12.4 Review of By-law

The Building Control By-law must be reviewed every 36 months and amended as and when specified by the National Regulatory for Compulsory Specifications and Gamagara Local Municipality.

12.5 Short title and commencement

This By-law is called the Gamagara Local Municipality: Building Control By-law, 2023 and takes effect on a date of notice in the Provincial Gazette.

CHAPTER 13

SCHEDULE OF ANNEXURES

ANNEXURE A FINE SCHEDULE: OFFENCES AND PENALTIES

	Section of the NBR	Contravention Description	Fine Amount
01	Section 4(1)	Erecting building without consent	R100,00 for each day on which accused was engaged in erecting such building
02	Section 12	Failure to comply with notice issued in terms of section 12	R100,00 For each day on which accused so contravened
03	Section 4 & 7	As-built applications	Residential R3656,67 Business R7373,35
04	Section 14(4)	Occupation of building without occupancy certificate	R2500,00
05	Section 15(2)	Obstructing municipality official's duties	R2500,00
06	Reg A 18(4)	Practicing plumbing without qualification	R2500,00
07	Reg A 18(5)	Unsupervised plumbing work	R2500,00
08	Reg A 23	Illegal temporary structure	R75,00 per working day excluding public holidays and weekends
09	Reg A 22(1)	Failure to notify local authority commencement of work	R2500,00
10	Section 4(1)	Unauthorized commencement prior to approval	R4000,00
11	Reg A 22(2)	Failure to notify local authority regarding inspections	R2500,00
12	Reg A 22 (3)	Proceed building work without inspections	R2500,00
13	Reg A 25(1)	Using building for other purpose	R3500,00
14	Reg A 25(2)	Failure to comply with notice regarding illegal used	R2500,00
15	Reg A 25(5)	Deviation from approved plans	R5523,11

16	Reg A 25(6) & (11)	Failure to comply with notice to stop erection of building	R1000 every working day excluding weekends and public holidays
17	Reg A 25 (10)	Non – compliance with a notice served in terms of Reg A 25 (10) of the NBR	R2500,00
18	Reg D 4 (1) & (2)	Failure to control access to a swimming pool	R5000,00
19	Reg E 4	Failure to comply with demolition requirements	R5000,00 Residential R10000,00 Business
20	Reg F 1	Failure to safeguard site	R2500,00
21	Reg F 6	Failure to control dust and noise on site	R2500,00
22	Reg F 7	Failure to comply with notice regarding testing and inspection of work	R2500,00
23	Reg F 10	Condition and use of builders' sheds	R2500,00
24	Reg F 11	Failure to provide sanitary facility on site	R2500,00
25	Reg P 1(2)	Failure to connect to sewer system	R2500,00
26	Reg P 3 (1)(a)	Sewage discharged into stormwater drain	R3000,00
27	Reg P 3(1)(b)	Sewage discharged into natural watercourse	R4000,00
28	Reg P 3 (4)	Discharging pool water onto other Property	R2500,00
29	Reg P 4	Industrial effluent installation deviates from plans	R2500,00
30	Reg P 6 (1)	Unauthorized connection or interference with drain	R2500,00
31	Reg P 7(3)	Using drain before inspection and approval	R2500,00
32	Reg T 1 (1)(e)	Failure to provide adequate fire protector	R5000,00
33	Reg T 2 (1)	Hindering or preventing escape from a building in case of fire	R25000,00



ANNEXURE B – CONTRAVENTION NOTICE

Ref No. 23001

Time: _____

GAMAGARA LOCAL MUNICIPALITY**CONTRAVENTION NOTICE NO 1**

ATTENTION: _____

ERF NO: _____

STREET ADDRESS _____

LOCATION _____

TOWN _____

SUBJECT: Description of contravention

Count 1

Count 2

Count 3

You are hereby notified of your contravention of Section 4 of the National Building Regulations and Building Standards Act No. 103 Of 1977 which provides that:

- (1) No-person shall without the prior approval in writing of the local authority in question, erect any building in respect of which plans and specifications are to be drawn and submitted in terms of this Act, and
- (2) Any application for the approval referred to in subsection (1) shall be in writing on a form made available for that purpose by the local authority in question.

You are therefore informed of the contravention sanctioned in terms of section 4 (4) of the NBR Act which states that:

IMPLICATIONS/SANCTIONS

In terms of section 4 (4) the municipality is hereby imposing on you *a fine of R100 for each day after receiving this notice or until you can prove that you have a written approval of the plan from the municipality. Should we not get a respond from you within 14 working days, your matter will be transferred to our legal department.*

Kindly visit Building Control Unit, office no. 20 during weekdays between 2pm – 4pm

NAME OF SENDER: _____

NAME OF RECEIVER: _____

SIGNATURE: _____

SIGNATURE: _____

DATE: _____

DATE: _____

ANNEXURE C – CONSTRUCTION STOP NOTICE



Ref No. 23001

Time: _____

STOP NOTICE

GAMAGARA LOCAL MUNICIPALITY

ATTENTION: _____

ERF NO: _____

STREET ADDRESS _____

LOCATION _____

TOWN _____

TIME: _____

SUBJECT: Description of contravention

Count 1

--

Count 2

--

Count 3

--

Notice is hereby given to owner/s of erf no _____ located at _____ with an instruction to stop construction work on site or to stop an illegal usage of building until they can produce building plans approved by Gamagara Local Municipality. Any person who contravenes a stop notice after a stop notice has been served on them is guilty of an offence and is liable to a fine of R4 000,00. Any person who fails to comply with deviation notice regarding illegal usage is liable to a fine of R2 500,00.

Kindly visit Building Control Unit, office no. 20 during weekdays between 2pm – 4pm

NAME OF SENDER: _____

NAME OF RECEIVER: _____

SIGNATURE: _____

SIGNATURE: _____

DATE: _____

DATE: _____

ANNEXURE D – WRITTEN NOTICE FOR COURT APPEARANCE

BUILDING CONTROL SECTION

WRITTEN NOTICE TO APPEAR IN COURT (Section 56 of Criminal Procedure Act 51 of 1977)

A TO		
SURNAME		
FIRST NAME/S		
IDENTITY NO	OCCUPATION	NATIONALITY
GENDER	AGE	MAGISTERIAL DISTRICT
POSTAL ADDRESS		PHYSICAL ADDRESS
MOBILE: TELEPHONE:		EMAIL ADDRESS:
B		
You are hereby called upon in terms of section 56 of the Criminal Procedure Act, 1977 (Act 51 of 1977) to appear before the Court mentioned below on the trial date mentioned below at 08h30 to answer to the charge of:		
COUNT 1		
COUNT 2		
Alternative		
or such other charge as the Public Prosecutor may bring against you on the grounds that upon or about on (date):		
Address / Vicinity		
In the said district you did wrongfully and unlawfully		
C		
DATE AND PLACE YOU ARE PERSONALLY TO APPEAR IN COURT		
Date of Trial	Place of Trial	Court No
D		
DATE AND PLACE WHERE ADMISSION OF GUILT FINE/S MAY BE PAID TO VOID COURT APPEARANCE. Admission of guilt fine/s of:		
Charge 1	Charge 2	Alternative Charge
R	R	R
Date	Place: Any police station in the district or municipal office mentioned above	
E		
Date	Place	
The original hereof was today handed to the above mentioned accused personally and the import thereof explained to him/her.		
Peace Officer	Time	Code No.
F		

IMPORTANT INFORMATION TO THE ACCUSED

1. WARNING: If you fail to comply with this notice or fail to remain in attendance at the proceedings, you may be arrested and sentenced to a fine not exceeding R5000 or imprisonment for a period not exceeding 3 months.
2. CONDITIONS OF PAYMENT OF ADMISSION OF GUILT FINE: Should you prefer to pay the admission of guilt fine; this document is to accompany such payment. Only cash, r debit order or bank guaranteed cheque will be accepted. Debit orders, or cheques must be made payable to the relevant authority (see part D above). You need not appear in court.
3. Payment can be made 3 days before the said date of payment.
4. If it is your intention to defend the case against you, you are requested to inform the Prosecutor of your intentions in writing on or before the above-mentioned date of payment of the fine. Failure to do so may delay the case or may even result in a postponement of the case.
5. In terms of section 73(2A) Act 51/1977 you are hereby informed of your right to be represented at your own expense by a legal representative of your own choice. If you cannot afford legal representation, you may apply for legal aid to your local Legal Aid board.
6. The mere fact that a representation has been made does not suspend the summons. Its requirements must still be complied with.

ANNEXURE E – PROPOSED BUILDING APPROVAL APPLICATION

APPLICATION FOR APPROVAL OF PROPOSED BUILDING PLAN			
PROPERTY DETAILS	Erf No.	Town:	Suburb:
	Street Address		
	Age of existing building (in years)		
	Occupancy: _____ Zoning: _____ Current: _____ m2		
PROPOSAL Type of Building	Description of Building Work to be carried out.		
	Occupancy: _____ Total: _____ m2 Coverage: _____		
	Building: New/Additions/Alterations/		
	Proposed: _____ Additions: _____ Outbuilding: _____ As-built: _____		
Any other applications attached			
Under NGL application -		Approval of Land Use Application	
Swimming Pool		Rezoning	
Basement		Relation of building lines	
Septic Tank		Departure	
Boreholes		Consent Usage	
Architect		Engineer	
Name and Surname: _____		Name and Surname: _____	
Professional Registration number: _____		Professional Registration number: _____	
Mobile: _____ Work: _____		Mobile: _____ Work: _____	
Email: _____		Email: _____	
OWNER/S PERSONAL DETAILS/TRUST/COMPANY			
Owner 1		Owner 1	
Name and Surname: _____		Name and Surname: _____	
Physical address: _____		Physical address: _____	
Mobile: _____ Work: _____		Mobile: _____ Work: _____	
Email: _____		Email: _____	
<i>I, the registered owner of the undermentioned property, hereby apply, in terms of section 4(2) & Regulation A1(6)+(7) of NBR Act No 103 of 1977 for approval of a proposed building/structure as depicted on the plan(s) submitted herewith, on the abovementioned site.</i>			

Signatures:

Owner 1: _____

Date: _____

Owner 2: _____

Date: _____

NOTE: The OWNER is responsible for ensuring compliance with the National Environmental Management Act, 1998, Local Government: Municipal Systems Act, 2000, Spatial Planning and Land use Management Act 2013, Act No 16 of 2013) and other related legislations is complied with prior to applying to the Local Authority for consideration.

Submission Checklist						
No.	Minimum Requirements for submission for processing	Owner		Building Control Clerk		
		Submitted	Initial	Required	Received	Initial
1	Three coloured sets of drawings as per national building regulations			X		
2	Site layout plan showing site dimensions, building lines, existing municipal services			X		
3	Section and elevations drawings			X		
4	Dimensions, Scale and title for all drawings and details			X		
5	Water reticulation plan for all buildings			X		
6	Drainage and plumbing drawings			X		
7	Roof plan inclusive of truss details			X		
8	Plans to be signed by both the owner, architects and engineers			X		
9	SANS Forms to be completed in full and signed by the owner, architect, engineers with professional registration number			X		
10	Land Surveyor's Certificate – Location/Replacement of beacons pegs & report any encroachment by Professional Land Surveyor			X		
11	A comprehensive report of structural components of an as-built building application					
12	An agreement certificate for construction using alternative non-conventional material					
13	Geo-Technical Report for New proposed business buildings, multiple storey buildings and Industrial structures					
14	Structural designs from engineer for all steel work, business buildings, multiple storey buildings and industrial structures					
15	Bending schedule of concrete foundations, beams and columns for all types of proposed structures/ buildings			X		
16	Traffic impact assessment report for business, Institutional, Resort, Authority, Industrial Transport and Special Zone					
17	Stormwater designs - business, Institutional, Resort, Authority, Industrial Transport and Special Zone					
18	Fire protection plan for public buildings, business, institutional and industrial structures					
19	Copy of title deed and bond holders' consent if bond is attached to the property					
20	Any other Town Planning Application Approved.			X		
21	Energy efficiency report			X		
22	Detailed sketch of sewer tank not septic tank					
23	Accessible refuse area to be indicated on plan					
24	Baseline risk assessment on industrial and commercial buildings					
25	Baseline risk assessment for huge housing developments;					
26	Baseline risk assessment for multiple storey buildings					
27	Detailed sketch of oil traps, soil traps and fat traps					
28	Sewer layout and long sections showing grades, velocities, pipe (material, length, diameter, class), invert and cover levels					
29	Standard detail drawings showing manholes					
30	Pipe anchorage details for steep slopes and protection details of concrete encasement of sewer pipe					
31	Water layout and section drawings showing pipe diameter, material, fire hydrants, meters and location of house connections					

This in no way exempts any plan from compliance with the National Building Regulations and applicable SANS standards. Where there is no compliance reasons must be provided in writing before plans can be accepted.

Office Use:

Official: _____

Date: _____

ANNEXURE F – MINOR BUILDING WORK APPLICATION FOR APPROVAL

BUILDING CONTROL SECTION MINOR BUILDING WORK APPLICATION



Regulation A1(5) of NATIONAL BUILDING REGULATIONS ACT No. 103 OF 1977

PROPERTY DETAILS	Erf No.	Suburb
	Street Address	
	Age of existing building (in years)	
	NOTE: The OWNER is responsible for ensuring compliance with the National Environmental Management Act, 1998, Local Government: Municipal Systems Act, 2000, Spatial Planning and Land use Management Act 2013, Act No 16 of 2013) and other related legislations is complied with prior to applying to the Local Authority for consideration.	
PROPOSAL Description of work	Description of Minor Building Work to be carried out	
MBW FLOOR AREA m ²	FLOOR AREA means the total covered plan area of all floors contained within the outer edges of a building.	
PROPERTY OWNER'S DETAILS Non-compliance with the Submission Checklist will result in the Application being refused creating un-necessary delays for the Owner / Applicant.	Owners Name	
	Physical Address	
	Postal Address	
	Cell Number	Email
DECLARATION BY OWNER I/We declare that I/we have personally checked the Title Deeds or any other document for the property concerned and that the proposed work is not contrary to any restrictive conditions or servitudes applicable thereto. I/We further declare that the boundary beacon pegs conform with positions as per the applicable Approved SG Diagram. I/We further declare that the application does not conflict with any other applicable laws, eg.: National Environmental Management Act, 1998, Local Government: Municipal Systems Act, 2000, Spatial Planning and Land use Management Act 2013, Act No 16 of 2013) and other related legislations, and that ALL information as provided is true and correct. In the event of any contraventions, I/we will bear the sole responsibility to rectify the aforesaid contraventions. Owner A Signature: _____ Date: _____ Owner B Signature: _____ Date: _____ NOTE: The Owner / Applicant is responsible for tracking the status of the application once submitted to the Council. The		
FOR OFFICIAL USE: This application is accompanied by the following documentation:		
Copy of title deed and bond holders' consent if bond is attached to the property		
Site Layout is to indicate position and overall dimensions of existing buildings and proposed MBW and dimensions of the MBW proposal from buildings and boundaries.		
Design to consist of a minimum of 3 copies of A2 plan in colour, two elevations and section to indicate, size and height of proposal, method of construction and material from which constructed.		
Design must be compiled by a competent registered professional.		
Proof of payment		
The above application has been approved in accordance with the Gamagara Local Municipality's Building Control By-law, section*		
APPROVED DATE		BUILDING CONTROL OFFICER (Signature)

ANNEXURE G – APPLICATION OF TEMPORARY STRUCTURE
BUILDING CONTROL SECTION
APPLICATION FOR ERECTION OF A TEMPORARY STRUCTURE
 Section A23 of the National Building Regulations Act 103 of 1977



PROPERTY DETAILS	Erf No.	Suburb
	Street Address	
	Existing use of site	Current Zoning
PROPERTY OWNER'S DETAILS Non-compliance with the Submission Checklist will result in the Application being refused creating unnecessary delays for the Owner / Applicant.	Owners Name	
	Physical Address	
	Postal Address	
	Cell Number	Email
PROPOSAL Description of work	Proposed Temporary structure	
	Intended use of the structure	
	Area (size) of structure	
DECLARATION BY OWNER I/We, the undersigned, declare that I/we have personally checked Approved SG Diagram of the property declare that the boundary beacon pegs conform to positions as per Approved SG Diagram. ALL information as provided is true and correct at time of submission. In the event of any contraventions, I/we will bear the sole responsibility to rectify the aforesaid contraventions. Owner A Signature: _____ Date: _____ Owner B Signature: _____ Date: _____		
FOR OFFICIAL USE: This application is accompanied by the following documentation:		
Copy of title deed and bond holders' consent if bond is attached to the property		
Plans depicting the Floor layout, Site plan, elevations and section		
Proof of payment		
The above application has been approved, and is valid for a period of 6 MONTHS in accordance with the Gamagara Local Municipality's Building Control By-law, section*		
APPROVED DATE		BUILDING CONTROL OFFICER (Signature)

ANNEXURE H – BOUNDARY WALL APPLICATION

BUILDING CONTROL SECTION

APPLICATION OF APPROVAL OF BOUNDARY WALL

NATIONAL BUILDING REGULATIONS ACT No. 103 OF 1977



PROPERTY DETAILS	Erf No.	Suburb
	Street Address	
	Age of existing building (in years)	
	NOTE: The OWNER is responsible for ensuring compliance with the Land Survey Act No. 8 of 1997, Local Government: Municipal Systems Act, 2000, Spatial Planning & Land use Management Act No 16 of 2013, Occupational Health & Safety Act No. 85 of 1993 and other related legislations is complied with prior to applying to the Local Authority for consideration.	
PROPOSAL Description of work		
SITE AREA	_____ m ²	
PROPERTY OWNER'S DETAILS Non-compliance with the Submission Checklist will result in the Application being rejected.	Owners Name	
	Physical Address	
	Email:	
	Cell Number	Email
DECLARATION BY OWNER I/We declare that I/we have personally checked that the boundary beacon pegs conform with positions as per the applicable Approved SG Diagram. I/We further declare that the application does not conflict with any other applicable laws, and other related legislations, and that ALL information as provided is true and correct. In the event of any contraventions, I/we will bear the sole responsibility to rectify the aforesaid contraventions.		
Owner A Signature: _____ Date: _____ Owner B Signature: _____ Date: _____		
FOR OFFICIAL USE: This application is accompanied by the following documentation:		
Copy of title deed and bond holders' consent if bond is attached to the property		
Site Layout plan and elevations indicating the height of wall, material to be used and foundation detail		
Design to consist of a minimum of 3 copies of A3 plan in colour		
Design must be compiled by a competent registered professional.		
Proof of payment		
The above application has been approved in accordance with the Gamagara Local Municipality's Building Control By-law, section*		
APPROVED DATE		BUILDING CONTROL OFFICER (Signature)

ANNEXURE I – APPLICATION FOR DEMOLITION

GAMAGARA LOCAL MUNICIPALITY

DEVELOPMENT & TOWN PLANNING DEPARTMENT - BUILDING CONTROL SECTION

**APPLICATION FOR DEMOLITION OF STRUCTURE**

(as prescribed by National building Regulation A23)

Name of Owner:

Location:

Dear Sir/Madam

APPLICATION TO DEMOLISH THE BUILDING(S) AT PREMISES: ERF:

AT

Approval no:

You are hereby advised that permission is granted to constructed the building(s) at the above premises in terms of Regulation E1 of the National Building Regulations and Building Standard Act, Act No 103 of 1977, subjected to the following conditions:

1. The provisions of the following Regulations are to be strictly complied with F1 - Protection of the Public, F2 - Damage to Council's Property.
2. With regard to Regulation F9, any spillage of debris onto the footway or roadway is to be cleaned up immediately.
3. With regard to Regulation F6, the noise levels prescribed in the regulations set out must be complied with.
4. Your own arrangements are too be with the respective service branches with regard to the disconnection of water, electricity and the sealing of sewer lines.
5. You are responsible for maintaining the safe flow of traffic - both pedestrian and vehicular - past the site, to the satisfaction of the Chief Traffic Officer.
6. This permit is only for the demolition work, it does not permit any building work or any excavations.
7. This permit is valid for a period of twelve (12) months from the date of issue.

Any conditions imposed by Northern Cape Heritage Resources Authority and the Department of Environment and Nature Conservation are deemed to form part of this permit and are to be read in conjunction with the above conditions.

Your attention is drawn to the requirements of the Occupational Health and safety Act, Act No. 85 of 1993, and the applicable regulations promulgated under this.

Please note that if found to be necessary, further conditions can be imposed in terms of Regulation F1 (5).

Kindly note that, in terms if Regulation A22, no work in connection with the demolition may commence unless written notice of intention to commence with the demolition has been given to Council, such notice shall be given at least 10 days(exclusive of a Saturday, Sunday or public holiday) prior to any such demolition commencing. (Demolition intention notice attached)

Signature:

Date:

--	--	--	--	--	--	--	--	--	--

BUILDING CONTROL OFFICER -

ANNEXURE J – SWIMMING POOL APPLICATION

GAMAGARA LOCAL MUNICIPALITY

BUILDING CONTROL SECTION



SWIMMING POOLS AND SWIMMING BATHS

APPLICATION FOR SWIMMING POOL AT PREMISES: ERF:

Plan no:

Approval is granted on basis of the following conditions:

In terms of Regulation D1 of the National Building Regulations and Building Standard Act, Act No

103 of 1977, the following conditions are to be adhered to:

1. The owner of any site which contains a swimming pool shall ensure that access to such a pool is controlled.
2. Any owner who fails to comply with the requirements of sub regulation(l) shall be guilty of an offence

Deemed to satisfy rules of SANS 10400-D

1. A wall or fence of 1800mm in height shall surround a swimming pool or swimming bath, to ensure that no person can have access to such pool or bath from any street or public space or any adjoining site other than through:
 - a) a self enclosing and self-latching gate with provision for locking in such wall or fence,
 - or
 - b) a building, where such building forms part of such wall or fence.
2. A wall or fence shall be provided in any interconnected complex which contains a swimming pool or swimming bath to ensure that no person can have access to such a pool or bath from any street or public or anywhere within the complex other than through a self-closing and self-latching gate with provision for locking in such wall or fence.
3. Such wall or fence and any such gate therein shall be not less than 1200mm high measured from the ground level, and shall not contain any opening which will permit the passage of 100mm-diameter ball.
4. The constructional requirements of such fence or gate shall comply with the requirements contained in SANS1390.

I, the undersigned,being the registered owner of erf situated at

do hereby certify that I have read the relevant sections of the Regulation D4 and D5 of the National building Regulations and agree to comply with the relevant requirements thereof which apply to the proposal depicted on the attached plan. Also testify that a completion certificated from a Structural Engineer will be submitted after the completion of a swimming pool or swimming bath.

CONTACTS:mobile: office: EMAIL: Signature: Date: **FOR OFFICE USE:**Signature: Date: **BUILDING CLERK**Signature: Date: **BUILDING CONTROL OFFICER**

ANNEXURE K – PROVISIONAL AUTHORIZATION APPLICATION

BUILDING CONTROL SECTION
PROVISIONAL AUTHORIZATION APPLICATION
 NATIONAL BUILDING REGULATIONS ACT No. 103 OF 1977


PROPERTY	Erf No.		Location:	
	Street Address			
	Vacant		Developed	
PROPOSAL Description of work to be carried out if authorization is granted m ²	Description of Work to be carried out			
REASONABLE REASONS FOR REQUESTING PROVISIONAL AUTHORIZATION	Reason 1:			
	Reason 2:			
	Reason 3:			
PROPERTY OWNER'S CONTACT DETAILS Non-compliance with the Submission Checklist will result in the Application being rejected.	Owner 1, Name & Surname			
	Email:		Mobile:	
	Owner 2, Name & Surname			
	Email:		Mobile:	
	Residential Address:			
DECLARATION BY OWNER <p>I/We declare that I/we have personally checked the Title Deeds or any other document for the property concerned and that the proposed work is not contrary to any restrictive conditions or servitudes applicable thereto. I/We further declare that the boundary beacon pegs conform with positions as per the applicable Approved SG Diagram. I/We further declare that the application does not conflict with any other applicable laws, and other related legislations, and that ALL information as provided is true and correct. In the event of any contraventions, I/we will bear the sole responsibility to rectify the aforesaid contraventions.</p> <p>Owner A Signature: _____ Date: _____</p> <p>Owner B Signature: _____ Date: _____</p>				
FOR OFFICIAL USE: This application is accompanied by the following documentation:				
1. Copy of title deed and bond holders' consent if bond is attached to the property				
2. A minimum size A2 Site Layout and design of Proposal.				
3. Proposal is in line with national building regulations and building standards Act 103 of 1977.				
4. Proposal does not compromise national building regulation regarding the strength and stability of building				
5. Design has to be compiled by a competent registered professional.				
6. Proof of payment				
The above application has been approved in accordance with the Gamagara Local Municipality's Building Control By-law, section*				
APPROVED DATE		BUILDING CONTROL OFFICER (Signature)		

ANNEXURE L – NOTICE OF COMMENCEMENT OF CONSTRUCTION



DEVELOPMENT & TOWN PLANNING - BUILDING CONTROL SECTION

NOTICE OF INTENTION TO COMMENCE CONSTRUCTION

(as prescribed by National building Regulation A22)

Stand No:		(as stated on the permit)
Location of site		

Please note that I intend commencing with construction on

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Name of Owner:			
Contact details	Mobile		Email
Name of Contractor:			
Contact details	Mobile		Email
Address:			
Construction Company Name			
NHBRC Registration Number			
Master Builder Registration Number			
Company Registration Number			

I confirm that I am compliant with the relevant sections of the Occupational Health and Safety Act, Act No 85 of 1993.

Please Note: This notice must reach the Building Control Officer at least 2 days prior to the intended date of commencement stated above and any owner who fails to give a written notice to council of intention to commence construction is guilty of an offence and will be fined.

Signature:

--

Date:

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

FOR OFFICE USE ONLY:

Have the permit conditions been complied with?

Permit Number	
---------------	--

Official's Name:

--

Signature:

--

Date:

Y				N			
D	D	M	M	Y	Y	Y	Y

Title:

--

Date:

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---



ANNEXURE M – APPLICATION FOR OCCUPANCY CERTIFICATE

APPLICATION FOR AN OCCUPANCY CERTIFICATE

ERF NO: _____

TYPE OF
BUILDING

OCCUPANCY TYPE

NO.	REQUIRED DOCUMENTS	Y/N
1	An A3 copy of approved Building Plan from the Municipality	
3	An Asbuilt plan, indicating all services (water, sewer and electricity)	
4	Beacon Certificate - Beacon location/replacement certificate from Professional Land Surveyor	
5	Artificial Ventilation System Compliance Certificate <i>Form 4 of SANS 10400 - Mechanical Engineer</i>	
6	Welding Fabrication Compliance Certificate	
7	Completion Certificate from a registered Architect who designed the building. <i>Form 4 of SANS 10400 - certifying that the building is designed as per his/her approved plan by local council and Energy Efficiency Compliance</i>	
8	Completion Certificate (SANS10400 - Form 4) from a registered structural/civil engineer <i>Form 4 of SANS 10400 - steel, foundations, concrete slabs, staircases, suspended floors, roofs, freestanding walls over 2.1 m, swimming pools</i>	
9	Quality Assurance Report Structural Engineer - As-built buildings	
10	Swimming pool compliance certificate from appointed competent person	
11	Residential home - NHBRC Enrolment Certificate - <i>all home builders should be registered with NHBRC</i>	
12	Electrical Certificates of Compliance and Form 4 of SANS 10400 <i>completed only by a registered electrician</i>	
13	Plumbing Certificate of Compliance & Form 4 of SANS 10400 <i>completed only by a registered plumber for all plumbing/drainage/sewage work</i>	
14	Soil Poisoning Certificate and Form 4 of SANS 10400 <i>Registered company with SAPCA(South African Pest Control Association)</i>	
15	Gas Certificate and Form 4 of SANS 10400 <i>From the gas connection installer</i>	
16	Fire Certificate and Form 4 of SANS 10400 <i>for all public buildings and any building using flammable materials:- eg wood or thatch roofs</i>	
17	Roof Truss Certificate and Form 4 of SANS 10400 <i>from truss supplier or installer or engineer</i>	
18	Glazing Certificate <i>from glazing supplier</i>	

APPLICATION
BY:

OWNER

CLIENT AGENT

CONTRACTOR

SIGNATURE

DATE

ANNEXURE N – COMPLAINT FORM

DEPARTMENT OF DEVELOPMENT AND TOWN PLANNING

BUILDING CONTROL UNIT



BUILDING REGULATIONS CONTRAVENTION COMPLAINT FORM

NOTE: Complaints are investigated in accordance with the National Building Regulations. Providing as much detail as possible will enable a thorough investigation to be done. Anonymous complaints are not able to be investigated and the complainant may be required to provide further information, including an affidavit and evidence in court, to enable successful prosecution of any contravention. Although the completed form should be submitted or emailed to Gamagara Building control department, building regulations contravention complaints may also be phoned in to the corporate call Centre at 053 723 6000

COMPLAINANT'S DETAILS

Case No:

Name of the Complainant

Address of the complainant

Code

Mobile

Signature

DATE

Description of offence and how it affects complainant directly or indirectly

DETAILS OF THE OFFENDER

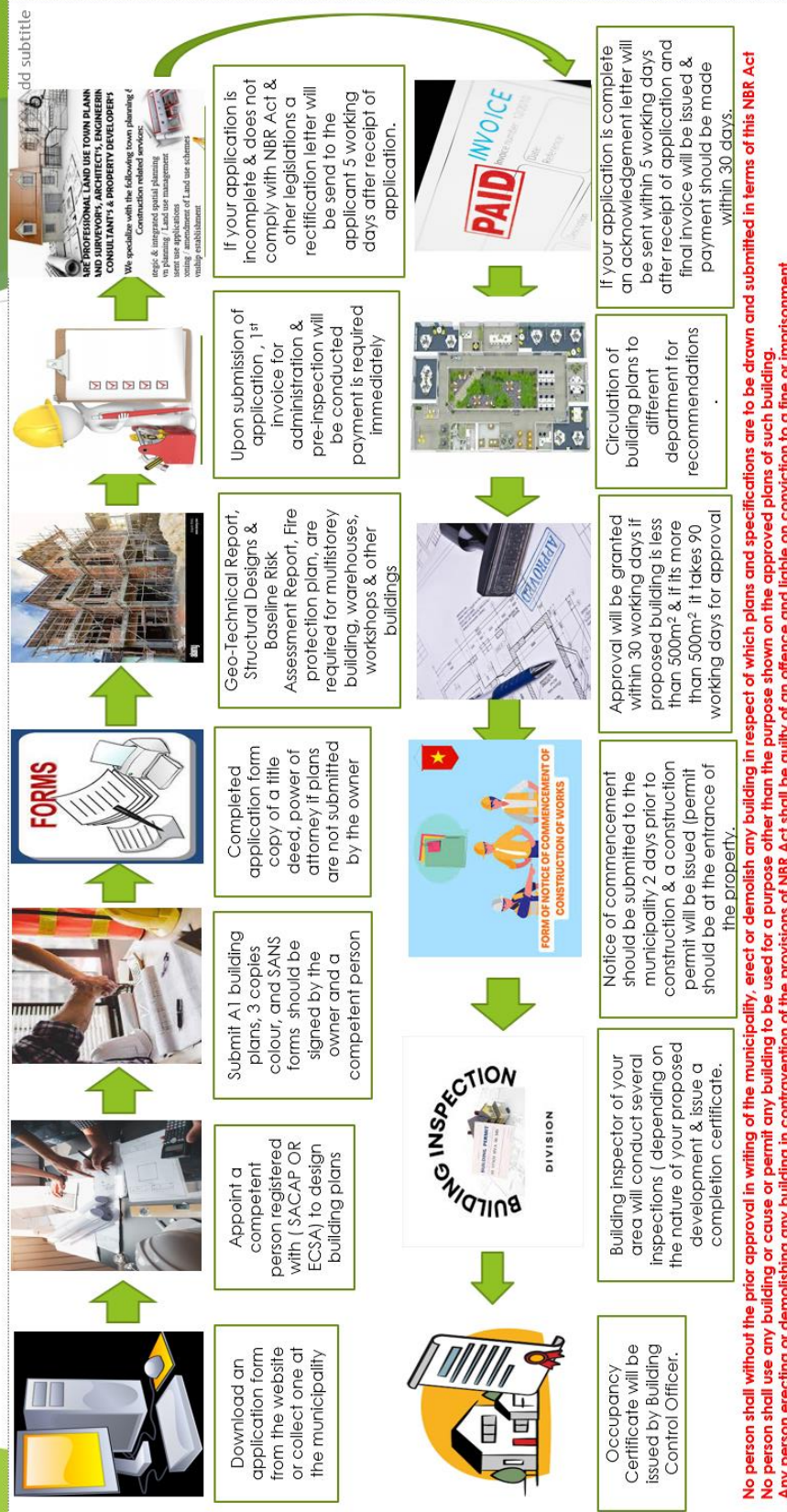
Address of Offender

Erf number:

Please note: We will not investigate anonymous complaints

ANNEXURE O – STANDARD OPERATING PROCEDURE

STANDARD OPERATING PROCEDURE



MUNICIPAL NOTICE 197 OF 2024



GA - SEGONYANA LOCAL MUNICIPALITY

ELECTRICITY SUPPLY BY-LAWS

Preamble

The Ga - Segonyana Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Purpose of By-Law

- To provide for the procedures, methods and practices to regulate the supply and sale of electricity in the area of jurisdiction of Ga – Segonyana Local Municipality.
- To repeal all By-law which were previously applicable and related to Electricity Supply.

INDEX**Chapter 1: Definitions and fundamental principles**

1. Definitions
2. Other Terms
3. Headings and Titles

Chapter 2: General Conditions of Supply

4. Provision of Electricity Supply
5. Supply by Agreement
6. Service of Notice
7. Compliance Notice
8. Application for Supply
9. Processing of Request for Supply
10. Wayleaves
11. Statutory Servitudes
12. Right of Admittance to Inspect, Test and/r do Maintenance Work
13. Refusal or failure to give information
14. Refusal of Admittance
15. Improper Use
16. Electricity Tariffs and Fees
17. Deposits
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CHAPTER 1

- 1. **Definitions** - In this by-law, unless inconsistent with the context

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

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

"certificate of compliance" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" (also "customer" or "user") in relation to premises means:

- (i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

"conventional meter" means a meter where an account is issued subsequent to the consumption of electricity;

"electrical contractor" means an electrical contractor as defined in the Regulations;

"electrical installation" means an electrical installation as defined in the Regulations;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un. 220 kV, [SABS 10191]

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an A.C voltage of 1000V (or a D.C, voltage of 1500 V). [SABS 1019]

"the law" means any applicable law, proclamation, ordinance, act of parliament, By - laws of the Ga - Segonyana Local Municipality or enactment having force of law;

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

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

"motor load, total connected" means the sum total of the 1 or all the individual motors connected to an installation;

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

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

"Municipality" means Ga - Segonyana Local Municipality, a municipality established in terms of the law or any legal entity duly authorized by Ga - Segonyana Local Municipality to provide an electricity service within the jurisdiction of the Ga - Segonyana Local Municipality or any of its committees or officials to whom any powers or authority has been delegated:

"occupier" in relation to any premises means:-

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or

- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

"Owner" in relation to premises means the person in whom is vested the legal title thereto; provided that

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

shall be deemed to be the owner thereof to the exclusion of the person in whom is

vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

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

"point of supply" means the point determined by the Municipality or any duly authorized official of the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

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

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

"safety standard" means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Municipality's equipment from overloads or faults occurring on the

installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Municipality's electricity network;

"tariff" means the Municipality's tariff of charges for the supply of electricity, and

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

"voltage" means the root-mean-square value of electrical potential between two conductors.

2. **Other terms** - All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.
3. **Headings and titles** - The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

4. Provision of Electricity Services

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

5. Supply by agreement

- (1) No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.
- (2) If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in section 44 of this By - Law.

6. Service of notice

- (1) Any notice or other document that is served by the Municipality on any person in terms of this By - Law is regarded as having been served:
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c) or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property

or premises, if any, to which it relates.

- (2) When any notice or other document must be authorized or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the municipal manager's office.

7. Compliance with notices

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

8. Application for supply

- (1) The prospective consumer shall make application for the supply of electricity in writing on the prescribed form obtainable at the office of the Municipality, the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality, which may specify any special conditions to be satisfied in such case.

9. Processing of requests for supply

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

10. Wayleaves

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

11 Statutory Servitude

- (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue

the use of, close up and destroy electricity supply mains;

- (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, be determined either by arbitration. The Municipality shall then have the right to register servitude in its favor to protect its rights.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

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

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of: -
- (a) doing anything authorized or required to be done by the Municipality under this by-law or any other law;

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

13. Refusal or failure to give information

No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorized official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.

14. Refusal of admittance

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

15. Improper use

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may: -

- (1) with or without notice, disconnect the electricity supply;
- (2) only restore the electricity supply when the cause for the disconnection has been permanently remedied or removed.
- (3) charge a fee as prescribed by the Municipality for the disconnection and the consumer shall pay reconnection before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity tariffs and fees

- (1) The Municipality is entitled to determine the charges and fees for electricity supply
- (2) Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

17. Deposits

- (1) The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality.
- (2) The Municipality shall determine the amount of the deposit in respect of each electricity installation, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate.
- (3) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law,
- (4) On the termination of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

18. Payment of charges

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.

- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorized official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. Interest on overdue accounts

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. Resale of electricity

- (1) Unless otherwise authorized by the Municipality, no person shall sell or supply of electricity, supplied to his premises under an agreement with the Municipality, to any

other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.

- (2) If electricity is resold for use upon the same premises, such resale shall be subject to the conditions laid down in the Electricity Act, 1987 (Act 41 of 1987), provided that the reseller shall be permitted to recover his/her actual electricity cost, provided further that he/she must substantiate these costs if called upon to do so.
- (3) Further, in terms of Regulation 11.(3)(a) of the Electricity Act, 1987 (Act 41 of 1987), the reseller of electricity may recover the administration costs incurred in metering reading and billing from the person so supplied with electricity, provided that, at the request of such person, the reseller must furnish such person with such information as may be necessary to enable him to determine whether the administration costs are fair and reasonable.

21. Right to disconnect supply

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this by-law and/or the Regulations are being contravened,
- (2) Prior to disconnecting the electricity supply, the Municipality shall give the person 7 (seven) days' notice to remedy his/her default and should the person fail to remedy such default after notice has been given the Municipality will disconnect the electricity supply as envisaged in sub – section (1)
- (3) The Municipality shall have the right to disconnect the supply of electricity without notice in the case of a grave risk to person or property, or as envisaged in terms of

Section 26 of this by-law,

- (4) After the Municipality has disconnected the supply of electricity for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (5) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.
- (6) The Municipality shall have the right to disconnect the supply of electricity if a consumer owes the Municipality any money for any other services provided by the Municipality in terms of the Constitution of the Republic of South Africa, and such debt is in arrears to the Municipality for a period of three(3) months, or where the customer persists in contravening any law or By – Law of the Municipality

22. Non-liability of the Municipality

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the disconnection, termination, cessation, interruption or any other abnormality of the supply of electricity.

23. Leakage of electricity

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

24. Failure of supply

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

25. Seals of the Municipality

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

26. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection

- (3) Where a consumer and/or any person has contravened sub-section(1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

27. Protection of Municipality's supply mains

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed: –
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
 - (f) Should the owner fail to observe this provision the Municipality shall

have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

- (2) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains

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

29. Unauthorized connections

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

30. Unauthorized reconnections

- (1) No person other than a person specifically authorized thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to

the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Municipality.

- (2) Where the supply of electricity that has previously been disconnected is found to have been illegally reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.
- (3) The Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary disconnection and reconnection

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee herein before referred to.
- (3) The Municipality may temporarily disconnect the supply of electricity to any premises for the purpose of effecting repairs, maintenance or carrying out tests or for any other legitimate purpose.
- (4) The Municipality will give adequate notice for any temporary disconnections for

purposes of effecting repairs, maintenance or carrying out tests or for any other legitimate purpose.

32. Temporary supplies

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work

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

34. Load reduction

(1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

(2) The Municipality shall not be liable for any loss or damage directly or consequentially

due to or arising from such interruption and discontinuance of the electricity supply.

- (3) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorized official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (4) Notwithstanding the provisions of sub-section (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (3).

35. Medium and low voltage switchgear and equipment

- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorized official of the Municipality, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorized official of the Municipality and installed by or under the supervision of any duly authorized official of the Municipality.
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality,
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the

Municipality.

- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorized official of the Municipality.

36. Substation accommodation

- (1) The Municipality may, on such conditions as may be deemed fit by the Municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (3) The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if the Municipality requires additional accommodation, the applicant at the cost of the Municipality shall provide such additional accommodation.

37. Wiring diagram and specification

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

before the work commences.

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

38. Standby supply

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

39. Consumer's emergency standby supply equipment

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (2) The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby

generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

40. Circular letters

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

CHAPTER 3

RESPONSIBILITIES OF CONSUMERS

41. Consumer to erect and maintain electrical installation

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

42. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

- (2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

43. Discontinuance of use of supply

- (1) In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give seven (7) days' notice in writing of such intended discontinuance to the Municipality.
- (2) Should the customer fail to give the Notice provided for in sub – section (1), he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

44. Change of occupier

- (1) A consumer vacating any premises shall give the Municipality not less than seven (7) working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of section 5 of this by-law, and if he/she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of

this by-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

45. Service apparatus

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

46. Supply not in line with consent use

In supplying electricity to a consumer or premises, the Municipality does not consent or acknowledged that the purpose or the use of the electricity; neither that the consumer, by obtaining electricity from the Municipality, has obtained the right to contravene any law, and the consumer shall not have the right to raise a defense of consent against the Municipality,

if charged, penalized or summonsed for contravening the law.

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

47. Service connection

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (3) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (4) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorized official of the Municipality.
- (5) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless the Municipality specifically requires an overhead service connection.
- (6) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches and fastenings as may be required by the Municipality for the installation of the service connection.

- (7) The conductor used for the service connection shall have a cross sectional area according to the size of the electrical supply but shall not be less than 10 mm (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorized official of the Municipality.
- (8) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf.
- (9) In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarial tied.
- (10) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (11) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (12) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

48. Metering accommodation

- (1) The consumer shall, if required by the Municipality or any duly authorized official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service

apparatus and protective devices.

- (2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of conventional meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- (3) Access at all reasonable hours shall be afforded to the Municipality for the inspection of prepayment meters.
- (4) Where submetering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (5) 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.
- (6) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (7) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5

SYSTEMS OF SUPPLY

49. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

50. Load limitations

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

51. Interference with other persons' electrical equipment

- (1) No person shall operate electrical equipment having load characteristics that, singly or collectively, give rise to voltage variations, harmonic currents or voltages,

- or unbalanced phase currents that fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
 - (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

52. Supplies to motors

Unless otherwise approved by the Municipality or any duly authorized official of the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors –

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

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

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

Insulated service cable, size in mm, copper equivalent Mm	Maximum permissible starting current A	Maximum motor rating in kW

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

3. Consumers supplied at medium voltage –

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

53. Power factor

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

- (3) The consumer shall, at his/her own cost, install such corrective devices.

54. Protection

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

CHAPTER 6

MEASUREMENT OF ELECTRICITY

55. Metering

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate,
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

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- (5) No alterations, repairs, additions, or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorized official of the Municipality.

56. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall –
 - (i) in the case of a conventional meter, adjust the account rendered;
 - (ii) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering in accordance with the provisions of sub-section (7).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee.
- (4) If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (7) shall be made and the aforesaid fee shall be refunded.
- (5) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

- (6) Meters shall be tested in the manner as provided for in the applicable standard specifications,
- (7) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity,
- (8) When an adjustment is made as contemplated in sub-section (7), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (9) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (10) (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section (7), the Municipality shall –
 - (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing,

if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.

- (b) Should the consumer fail to make any representations during the period referred to in sub-section 10(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 10(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of sub-section (10)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub section (7), the Municipality shall be entitled to adjust the account as notified in terms of sub-section 10(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

57. Reading of conventional meters

- (1) Unless otherwise prescribed, conventional meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the conventional meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

- (3) When a consumer vacates a property and a final reading of the meter is. Not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a consumer desires a special reading of the meter, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts.
- (6) Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.

58. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7

ELECTRICAL CONTRACTORS

- 59.** In addition to the requirements of the Regulations the following requirements shall apply:
- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorized official of the Municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorized official of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
 - (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorized official of the Municipality in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation.

- (3) Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.
60. The Municipality shall not be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8

COST OF WORK

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

CHAPTER 9

PENALTIES

62. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.

- (3) If any person is found to have contravened this by-law shall be liable to pay a fine in line with the fine schedule of the municipality alternatively and/or compensate the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.
- (4) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rand (R10 000 – 00) or imprisonment for a period not exceed six (6) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and
- (5) In the case of a continuing offence, to an additional fine not exceeding two hundred rand (R200 – 00) or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

CHAPTER 10 GENERAL

Repeal of By - Laws

63. The following by-laws are hereby repealed:

- (a) Any By-Laws which was previously applicable and related to by-laws relating to Electricity Supply are hereby repealed.

Short Title

64. This by-law shall be known as the Ga - Segonyana Local Municipality: Electricity Supply By-Law and takes effect on the date of publication in the *Provincial Gazette*.



GA-SEGONYANA LOCAL MUNICIPALITY

COMBATING VANDALISM OF MUNICIPAL PROPERTIES BY-LAWS

Preamble

Ga-Segonyana Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, in conjunction with read with Schedule 5 Part B of the Constitution of the Republic of South Africa has made the By-Law set out in the schedule below:

Purpose of By-law

- to administer the control and to protect Municipal Property and facilities from vandalism and nuisance thereof;
- To repeal all By-law which were previously applicable and related to control and combating of vandalism to municipal property.

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CHAPTER 1

INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation

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

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement, and enforce the provisions of these Bylaws;

"compliance notice" means a notice served in terms of section 9 of these by-laws;

"Council" means –

- (a) the Ga-Segonyana Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), 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 Systems Act, 2000 (Act No 32 of 2000); or

- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be.

"environmentally

sustainable"

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

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

"local community" means that body of persons comprising –

- (a) the residents of the area in which a municipal property is situated;
- (b) the rate payers of the area in which a municipal property is situated; and
- (c) any civic organisation and non-governmental or private sector organisation or body which are

involved in local affairs in the area in which a municipal property is situated;

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

"notice" means a clear and legible official notice drawn up by the Council in English and prominently displayed in a public open space;

"nuisance" means an unreasonable interference or likely interference with—

(a) the health or well-being of any person;

(b) the use and enjoyment by an owner or occupier of his or her property; or

(c) the use and enjoyment by a member of the public of a public open space;

"organ of State" means —

(a) any department of State or administration in the national, provincial or local sphere of government; and

(b) any other functionary or institution —

(i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act

No. 108 of 1996) or a provincial Constitution; or

- (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

(iii)

"person" means a natural person or a juristic person, and includes an organ of State;

"printed matter" includes any advertisement, billboard, poster, book, pamphlet or handbill;

"public open space" means any land which –

(a) is owned by an organ of State, or

(b) over which an organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor-General, on which is marked the land to which the public has a common right of use; and

(c) is controlled and managed by the Council; and

(d) is either –

- (i) set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public

recreation, conservation, the installation of public infrastructure or agriculture; or

- (ii) predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

"public utility public

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

"recreational public

open space" means public open space which is managed by or on behalf of the Council for public recreational purposes, and includes any park, sportsground and playground, but excludes any golf course;

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

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

"vehicle"	means a device designed or adapted mainly to travel on wheels, but excludes a wheelchair and children's pushchair and perambulator;
"waste"	means any substance or article which a person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;
"watercraft"	includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device;
"water body"	means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river and wetland.(2)If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Application of by-laws

This By-law shall apply on all premises situated on Municipal property and shall be valid in the area of jurisdiction of the Municipality in so far as it is applicable and not inconsistent with or excluded by the Constitution of South Africa

3. Purpose of by-laws

The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework-

- (a) to protect municipal property from vandalism and that the Council powers in relations to the protection of Municipal Property from vandalism; and
- (b) which clearly defines the rights and obligations of the public in relation to Municipal Property.

CHAPTER 2

REGULATION

4. Principles of by-laws

- (1) Municipal property must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –
 - (a) the long-term collective interests of the people of Ga-Segonyane Local Municipality, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;
 - (b) a long-term perspective, which takes account the interests of future generations, must be adopted; and
 - (c) the interests of other living organisms which depend on Municipal property must be considered.
- (2) Municipal property, particularly recreational spaces must be managed in an environmentally sustainable manner.
- (3) Subject to the provisions of subsection (5) and section 7, people must be given access to public Municipal property on a non-discriminatory and equitable basis.

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

5. Application of principles

The public open space management principles set out in section 4, and the national environmental management principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), must be considered and applied by any person –

- (a) exercising a power or function or performing a duty under these By-laws;
- (b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of, public open spaces within the Municipal jurisdiction; or

- (c) exercising a public power or function or performing a public duty which is likely to have a significant effect on, or which concerns the use of, public open spaces.

6. General Powers of Council

The Council may in relation to any property belonging to the municipality –

- (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
- (b) develop any Municipal property in accordance with the principles set out in section 4;
- (c) erect, construct, establish or demolish municipal property; and
- (d) exercise any other power reasonably necessary for the discharge of the Council's obligations in terms of these By-laws relating to the management of municipal property.

7. Restricting Access

The Council may restrict access to any Municipal property or to any part of a municipal open space for a specified period of time –

- (a) to protect any aspect of the environment within the property;
- (b) to reduce vandalism and the destruction of property;
- (c) to improve the administration of a municipal property;
- (d) to develop a public open space;
- (e) to enable a special event which has been permitted in terms of section 17, to proceed; or

- (f) to undertake any activity which the Council reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

8. Powers of authorised officials

In relation to any public open space, an authorized official may –

- (1) to the extent authorised by the Council administer, implement and enforce the provisions of these By-laws;
- (2) issue a notice in terms of section 9;
- (3) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these Bylaws, and fails to immediately terminate such contravention upon the instruction of that official; and
- (4) if such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act, 1977 ([Act No. 51 of 1977](#)).

9. Issuing of notices

- (1) An authorised official may, where a person has contravened section 11, serve a notice on such person ordering him or her to repair or refrain vandalizing municipal property by a date specified in the notice which shall not be more than 30 days from the date of issuing the notice, and such notice must –
 - (a) specify the address or location of the property, natural surface or any other structure or thing to which the damage has been applied;
 - (b) describe in general terms the damage which has been applied; and
 - (c) state that if the damage in question is not applied in accordance with the notice, the Municipality or an outside agent appointed by the Municipality may effect such removal at the cost of the person to whom the notice is addressed.

- (2) Any costs incurred by the Municipality in terms of subsection (1) (c), as certified by the Director: Expenditure in the Directorate of Finance in the Municipality, shall constitute a liquid claim in favour of the Municipality and recoverable in terms of the Credit Control and Debt Collection Policy of the Municipality and the Credit Control and Debt Collection process of the Municipality.
- (3) Where the recovery of the costs referred to in subsection (2) will:-
- (a) impose on an owner of property a financial burden beyond the ability or financial capacity of such owner; or
 - (b) affect the same property repeatedly, the authorised official, subject to any law or any policy of the Municipality,
- may waive the whole or a part of the costs incurred.

10. Service of notices

- (1) Where a compliance notice is served on any person in terms of section 9 (1), it is deemed to have been properly served on such person when it has been served—
- (a) personally to him or her or in the case of a juristic person to a person apparently employed at its registered office;
 - (b) at his or her place of residence or business to a person apparently over the age of 16 years;
 - (c) by registered or certified mail to such person's last known residential or business address as appears in the records of the City or records at the Deeds Office, or in the case of a juristic person, to its registered office and an acknowledgment of posting is produced;
 - (d) on the agent or representative of such person in the Republic in one of the aforesaid manners, if an address in the Republic is unknown;

- (e) by posting it in a conspicuous place on the property to which it relates, for a period of 14 calendar days, if the address and agent are unknown.
- (2) The failure to make proper service on any person as required in terms of this By-law shall not invalidate any proceedings held in respect of contraventions of this By-law.

CHAPTER 3

PROHIBITED CONDUCT

11. General prohibition

- (1) No person shall within the area of jurisdiction of the municipality, without a permit issued by the Council, vandalise or cause vandalism to be applied to any —
 - (a) property;
 - (b) natural surface; or
 - (c) wall, fence, structure or thing in any street or other public place.
- (2) Any person who aids or assists the person referred to in subsection (1) in the application of vandalism as contemplated therein, in contravention of this By-law, shall be guilty of an offence.

12. Prohibited activities

- (1) Any person who undertakes an activity or behaves in a manner that is prohibited in terms of these By-laws, commits an offence unless, in addition to any exceptions contained in sections 12 (2), that activity or conduct—
 - (a) takes place in a designated area within which that activity or conduct is allowed; or
 - (b) is authorised in terms of a permission granted or permit issued in terms of section 17 to 18; or

- (c) is deemed to be authorised by the Council under subsection (2).
- (2) Subject to the provisions of subsection (3), a person is not in contravention of any provision of section 11 if that person needs to undertake the prohibited activity –
 - (a) to perform his or her obligations as an employee, agent or contractor of the Council under his or her contract with, or mandate from, the Council or to achieve the purposes of these By-laws;
 - (b) to carry out public duties as an employee, agent or contractor of an organ of State within a public open space which is subject to a public utility servitude in favour of that organ of State;
 - (c) to fulfil his or her duties as an authorised official; or
 - (d) to fulfil his or her duties as a peace officer.
- (3) Subsection (2) must not be interpreted to allow a contravention of section 7 (a) or (e) or any activity which the Council has expressly refused to permit.

13. Prohibited conduct

- (1) No person shall, in any Municipal properties: -
 - (a) remove, damage or injure any fountain, statue, monument, bust, post, chain, railing, fence, seat, notice-board or plate, house, building, shed, closet, flag, mark or other article or thing which is the property of the Municipality and no person shall disfigure or deface same by pasting thereon or affixing thereto in any way any bills, papers, placards or notices or by cutting, writing, stamping, painting, drawing or marking thereon or interfering therewith in any other manner whatsoever;
 - (b) saw, cut, gather, remove, dig up, fill in, burn, pick or break any timber, tree, shrub, brushwood, fencing pole, lawn, plant, fruit, flower or equipment or climb thereon or do any damage thereto;
 - (c) enter or attempt to enter into any enclosure, plantation, garden or temporary enclosure, which is the property of the Municipality, or walk over, stand or recline in any flower bed;

- (d) erect any shelter / house / shack with the intention to live or reside therein in a public amenity;
- (e) hawk or display for sale any goods whatsoever, without the prior written consent of the Municipality;
- (f) erect or cause to be erected, any post, rail, fence, tent, screen, stand, swing, structure, build or construction of whatever nature, without the prior written consent of the Municipality;
- (g) drive, park or place a vehicle upon or over any part of a flower bed or lawn, except in such spaces as are specially reserved for such purpose;
- (h) in rivers, ponds or fountains in a public amenity, wash any clothes or other articles or otherwise pollute the water therein or contaminate or waste any water source;
- (i) wash, polish, service or repair his / her vehicle in a public amenity;
- (j) in a river, bath or wash himself / herself or any other person or any animal, or allow any animal belonging to him / her or under his / her control to be therein;
- (k) cause unpleasant or offensive smells;
- (l) be allowed to dump, burn or allow to burn any wood, grass, garden refuse, packaging material or any flammable material;
- (m) be allowed to present any public entertainment or make use of a loud speaker, amplifier or any other audio equipment without the prior written permission of the Municipality.;
- (n) refuse to leave any park, natural area, garden or any other enclosed space, at or after the time of closing the gates, when requested to do so by any servant of the Municipality or member of the police force or unlawfully remain therein after the gates are closed or climb on or over the gates, fences or railings, or enter or leave otherwise than through one of the authorized means of ingress or egress;
- (o) smoke in any place or building in which it is forbidden by notice affixed in a conspicuous place at or near the entrance to such place or building;
- (p) contravene or act contrary to any notice by the Municipality;
- (q) play or make preparation to play any game, except at the places and at the times indicated and set apart for such games by the Municipality;

- (r) fire any firearm, discharge any firework, catapult or sling, throw any stone, stick or other object or missile, use any squirt, syringe or other instrument, or do anything which may endanger or be deemed a nuisance, obstruction or annoyance to the public;

(2) Any person who in any municipal property:

- (a) contravenes the provisions of these by-laws, or does not comply with any condition imposed in connection with the use of such public amenity;
or
- (b) acts in such a manner as to be a nuisance to other users of such public amenity and refuses to discontinue such action after being requested thereto by an authorized official;

may be instructed by such authorized official to leave or be served with a notice in terms of Section 9 of this by-law such public amenity.

- (3) Any person who has in terms of subsection (2) been instructed to leave a public amenity either verbally or by notice and;
- (a) refuses to do so; or
 - (b) returns within 24 hours to such a public amenity;

shall be guilty of an offence.

14. Municipal property and erection of structures

- (1) Subject to the provisions of subsection (2), no person may within a public open space –
- (a) deface, damage, destroy or remove any municipal property;
 - (b) disturb the surface of any land, whether by digging, undertaking any earthworks or otherwise;
 - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;

- (d) affix or place on any municipal property, or distribute, any printed matter; or
 - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of subsection (1)(b) do not apply to any person who has obtained a permit in terms of section 17 to undertake agricultural activities in an urban agricultural public open space.
- (3) The provisions of this section are not applicable to the extent that the Public Road, Electronic Communications Networks and Miscellaneous By-laws, 2003 are applicable.

15. Restoration or removal notices

- (1) Unless permission or a permit to do so has been obtained in terms of section 16 to 17, an authorised official may issue a restoration or removal notice to any person who has in a public open space –
 - (a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;
 - (b) erected, built or assembled a structure; or (c) dumped, discarded or deposited any waste, other than in a receptacle provided by the Council for that purpose.
- (2) The restoration or removal notice may direct the person concerned within a reasonable time specified in the notice to take stated reasonable steps specified in the notice –
 - (a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Council; or
 - (b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

APPLICATIONS FOR AUTHORISATION

16. Application for permission

- (1) Any person who wants to undertake a prohibited conduct must make application in writing to the Council for permission to do so.
- (2) The Council may, after receiving an application, request the applicant to provide additional information which the Council reasonably requires in order to consider the application.
- (3) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision.
- (4) Subject to the provisions of subsections (2) and (3), the Council must consider the application within a reasonable time and must either-
 - (a) refuse the application; or
 - (b) grant permission in writing to the applicant subject to such conditions as the Council may consider appropriate to best achieve the purposes of these Bylaws.
- (5) The Council may not grant permission for any person to behave in a manner which is prohibited in terms of section 13 (a) or (d).

17. Application for a special permit

- (1) An application for permission to enter a restricted Municipal property must be made at least 21 days prior to the proposed date of access.
- (2) The time period referred to in subsection (1) may, on good cause shown, be reduced at the discretion of the Council.

- (3) An application in terms of subsection (1) must contain the following information:
- (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
 - (b) the nature and purpose of the special event;
 - (c) the intended route or area proposed to be used for purposes of the special event; and
 - (d) any permission required under Chapter 3 of these By-laws.
- (4) Subject to any permit conditions imposed by the Council, the holder of a special permit has the right to use or access the area of Municipal property specified in the permit to the exclusion of any other person during the period specified in the permit.

CHAPTER 5

CO-OPERATIVE MANAGEMENT AGREEMENTS

18. Entering into agreements

- (1) The Council may enter into a written agreement with any organ of State, local community or organization to provide for –
- (a) the co-operative development of any municipal property or public open space; or
 - (b) the co-operative management of any municipal property or public open space; and
 - (c) the regulation of human activities within a public open space.
- (2) The Council may not enter into an agreement in terms of subsection (1) (b) unless it reasonably believes that entering into such an agreement will promote the purpose of these By-laws.

- (3) The Council must monitor the effectiveness of any agreement entered into in terms of subsection (1), in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Council has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

CHAPTER 6

MISCELLANEOUS

19. Offences and penalties

- (1) A person commits an offence if he or she—
- (a) contravenes any provision of this By-law;
 - (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this by-law;
 - (c) fails to comply with the terms of any notice or signage displayed in terms of this by-law;
 - (d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this by-law; or
 - (e) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.
- (2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

20. Penalties

- (1) Any person who is found to have contravened this by-law shall be liable to pay a fine in terms of the fine schedule of the Municipality and/or compensate the municipality for its loss;
- (2) Any person who is convicted of an offence under this By-law is liable to a fine of an amount not exceeding R40 000 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.
- (3) In the case of a continuing offence, an additional fine of an amount not exceeding R200 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

20. Repeal

Any By-Laws which were previously applicable and related to by-laws on combating vandalism on Municipal Property are hereby repealed.

21. Short title

These By-laws are called the Combating Vandalism of Municipal Properties By-law, 2020.



GA-SEGONYANA LOCAL MUNICIPALITY

FIRE BRIGADE SERVICES BY-LAWS

Preamble

Ga-Segonyana Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, in conjunction with the Section 10 of the Fire Brigade Services Act, 1987 (Act 99 of 1987) has made the By-Law set out in the schedule below:

Purpose of By-law

- To provide procedures, methods and practices to usage of Fire Brigade, Emergency Services, Fire Control and prevention of illegal usage of Fire Hydrants;
- To repeal all By-law which were previously applicable and related to fire brigades.

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CHAPTER 1

DEFINITIONS

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:–

“access door” means any door that provides access to an emergency route;

“animal” means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;

“area” means any residential area or any other area within the boundaries of the Municipality;

“authorised officer” means a member of the service authorised by the Chief Fire Officer to conduct certain duties;

“building” –

- (a) Any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with –

- (i) The accommodation or convenience of human beings or animals;
- (ii) The manufacture, processing, storages. Display or sale of any goods;
- (iii) The provisions of any services;
- (iv) The destruction or treatment of refuse or other waste materials; and
- (v) The cultivations of any plant or crop;

- (b) Any wall, swimming-bath, swimming –pool, reservoir or bridge, or any other structure connected with it;

- (c) Any fuel pump or any tank used in connection with it;

- (d) Any part of a building, including a building as defined in paragraph (a), (b) or (c); and

(e) Any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of water supply, drainage, sewage, storm water discharge, electricity supply or other similar service in respect of the building;

"Building Control Officer" means a person appointed or deemed to be appointed as a building control officer by a local authority in terms of Section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

"certificate of fitness" means a certificate contemplated in Section 20 of these by-laws, which certificate has been issued by the Service and authorises a person to occupy designated premises (which are a public building);

"certificate of registration" means a certificate issued by the Service in terms of Section 24 of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage or handling of hazardous substances;

"Chief Fire Officer" means the person appointed by the controlling authority in terms of Section 5(1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under Section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of Section 5(3) of the Act, and "Manager: Fire Services" has a corresponding meaning; "code of practice" means the code of practice as defined in Section 1 of the Standards Act, 1993 (Act 29 of 1993);

"controlling authority" means the local authority in control of the Service as defined in the Fire Brigade Services Act, 1987;

"control room" means a room on any premises which is specifically designed, built and equipped to coordinate and control an emergency situation in or on the premises in question;

"designated officer" means the person designated in terms of Section 22 of the Rationalisation of Local Government Affairs Act 1998, (Act No. 10 of 1998); and a designated officer also means a metro police officer as defined in Section 64G of the South African Police Services Act, 1995 (Act No. 68 of 1995) as amended

"designated premises" means any premises designated by the Service with a view to an emergency evacuation plan as contemplated in Section 19 of these by-laws;

"device" means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is

used or is capable of being used for, in or in connection with the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handling, preparation, serving or administering of any grouped hazardous substance, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

"discharge" means the ignition or activation of any fireworks whatsoever;

"distance to be covered" means the distance that a person would in normal circumstances have to cover to exit a room, measured from the furthest point in the room;

"dump", in relation to a grouped hazardous substance, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have it or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such a period, or to have it or permit it to be so deposited, discharged, spilled or released in a manner that reasonably indicates the intention to abandon or discard the substance, and "dumping", "spilling" and "spill into" have a corresponding meaning;

"emergency" means an incident or eventuality that poses or may pose a serious threat to any person or property, and "emergency situation" has a corresponding meaning;

"emergency evacuation plan" means a written procedure and a set of detailed plans as contemplated in Annexure III to these by-laws;

"emergency route" means that part of an escape route which provides the occupiers of any building with protection from fire and which leads to an escape door;

"escape door" means any door at the end of an emergency route, and includes any door leading from the inside to the outside of a building;

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

"explosive(s)" means –

(a) gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

(b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;

- (c) any other substance which the President may from time to time by proclamation in the Government Gazette declare to be an explosive;
- (d) a petrol bomb; and
- (e) any container, apparatus, instrument or article which –
 - (i) contains any inflammable substance and can be used or adapted so that it can be used to cause an explosion or a fire; or
 - (ii) was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;

"extinguishing stream" means the amount of water that the Service needs to extinguish a fire;

"facility" means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of hazardous substances, and includes the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

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

"fire area" means the area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 10090;

"fire-fighting equipment" means any portable fire extinguisher, mobile fire extinguisher, hose reel or fire hydrant;

"fire grading" means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 0177, Parts II to V, as amended;

"fire incident" means a fire on any premises in the area;

"fire brigades' installation" means any water installation which conveys water solely for fire-fighting;

"fire risk category" means a fire area being divided into sub-areas which fall into one of the following fire-risk categories:

Category A: Central Business Districts and extensive Commercial and Industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

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

Category C: Residential areas of conventional construction.

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

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

NOTE: High-rise buildings, as defined in SANS 10400, are an integral part of central business districts (CBD) and therefore included in Category A.

Buildings with major fire safety deficiencies may, however, be classed as special risks.

"fireworks" means explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956); \

"grouped hazardous substance" means a group of hazardous substances as contemplated in Section 1 of the Hazardous Substances Act, 1973 (Act 15 of 1973);

"hazardous substance" means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX hazardous substance in terms of Section 2(1) of the Hazardous Substances Act, 1973;

"inspector" means a member appointed as an inspector in terms of Section 2(5) of the Explosives Act, 1956, to control fireworks in so far as the storage, use and sale of fireworks are concerned;

"major hazardous installation regulations" means the regulations published in Government Gazette No. R 60 dated 16 January 1998, as amended;

"member" means a member of the Service as contemplated in Section 6 and 6A(5) of the Fire Brigade Services Act, 1987;

"Municipality" means the duly constituted Ga-Segonyana Local Municipality;

"National Building Regulations" means the regulations published by Government Notice R2378 of 12 October 1990 in Government Gazette 12780, as amended;

"normative reference list" means the list of South African National Standards, SANS specifications or codes of practice and other legislation which are contained in Annexure V to these by-laws;

"occupancy", in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of "public building";

"occupier" means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

"owner" in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a Sectional title scheme in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), for the purposes of Section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the Sectional Titles Act, 1986, and, in the case of a deceased or insolvent estate, the executor or the curator respectively;

"power insulating switch" means a bipolar switch that can be activated with an L-type key of which one end is fitted with a bayonet-type socket switch;

"premises" means land, a building or other construction or structure, or any part of it, and includes –

- (a) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- (b) any building or room in which explosives are stored, kept or handled for the purpose of sale: Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

"public building" means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity;

"public place" means a public place as defined in Section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

"rational design" means any design involving a process of reasoning and calculation, and includes any such design which is appropriate in the application of a code of practice or other similar design;

"registered premises" means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of hazardous substances, as well as a certificate or permit to occupy premises;

"retail dealer" means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

"room" means any room or other partitioning in a building;

"Service" means the Fire Brigade Service established by the controlling authority as contemplated in Section 1 of the Fire Brigade Services Act, 1987;

"service installation" means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoists and symbolic safety signs, and includes smoke and fire door assemblies; "spill into" (see the definition of "dump");

"spraying permit" means a permit issued by the Service in terms of Section 48(1)(a) of these by-laws;

"spraying room" means any room, building or structure that is designed, built, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III hazardous substances and/or combinations of Group III hazardous substances, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and "spraying booth" and "submersion tank", as well as any related process involving electrolysis, have a corresponding meaning;

"storeroom" means a room which is constructed, equipped and maintained as contemplated in Section 46 of these by-laws;

"storey" means that part of a building which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated):

Provided that, in relation to a building –

- (a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, the lower or lowest of these storeys;
- (b) a basement will be regarded as any part of the building which is below the level of the ground storey;
- (c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- (d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement;

"temporary structure" means any structure that is apparently temporary in nature; "vehicle" includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck tractor, a tank truck or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996), as the case may be;

"wheel blocks" means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity; and

"wholesale dealer" means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale.

CHAPTER 2

ORGANIZATIONAL PROVISIONS

Organisation of the service

2. (1) The controlling authority may, subject to Section 3(3) of the Fire Brigade Services Act, 1987, establish and maintain a Service within its area, which includes the

appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for –

- (a) preventing the outbreak or spread of a fire;
 - (b) fighting or extinguishing a fire;
 - (c) the protection of life or property against a fire or other threatening danger;
 - (d) the rescue of life or property from a fire or other threatening danger;
 - (e) the performance of any other function connected with any of the matters referred to in Sub-section (1)(a) to (e).
- (2) (a) The Chief Fire Officer is in charge of the Service.
- (b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (3) The controlling authority may, in terms of an agreement as contemplated in Section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Northern Cape, against payment of the tariffs determined in Annexure I to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

Driving service vehicles

- 3 (1) Any member may, with the written authority of the Chief Fire Officer, drive a Service vehicle if he/she has the applicable driving licence for the vehicle in question as required by the National Road Traffic Act, 1996.
- (2) A member who is duly authorised to do so, as contemplated in Subsection (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996, and any regulations made under the Act.

- (3) Any member who fails to comply with the provisions of this Section is guilty of an offence.

Procedure and duties during an emergency situation

- 4 (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that -
- (a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
 - (b) the emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in Section 2(3) of these by-laws; and
 - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) All persons and/or bodies, including any State department as contemplated in Section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in Sub-section (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.

Making service equipment and manpower available

5. (1) With the approval of the controlling authority, the Service may, at the request of anybody or person and at the tariffs determined in Annexure I to these by-laws, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
- (2) The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower is required elsewhere for or in connection with an emergency situation.

Powers of members and designated officers

- 6 (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
- (2) A designated officer may -
- (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
 - (b) institute the relevant prosecution in connection with Sub-section (2)(a) or have the prosecution instituted, as the case may be; and
 - (c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to

Section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:

- (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
 - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - (iii) After an order issued in terms of the Fire Brigade Services Act, 1987, or these by-laws has been complied with in full or after a prosecution in terms of Section 21 of the Fire Brigade Services Act, 1987, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken.
- (3) Any officer may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
- (4) (a) Designated officers must be –
- (i) suitably trained and certified as law enforcement officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
 - (ii) Appointed as deputy messengers of the court in terms of Section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944);
 - (iii) Appointed as inspectors of explosives in terms of Section 2(5) of the Explosives Act, 1956, regarding the storage, sale and use of fireworks; and

- (iv) Appointed as inspectors in terms of Section 8 of the Hazardous Substances Act, 1973.

(b) All designated officers have the power -

- (i) in terms of the provisions of Section 56, read with Section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
- (ii) in terms of the provisions of Section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
- (iii) in terms of the provisions of Section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
- (iv) in terms of the provisions of Section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
- (v) in terms of the provisions of Section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

Offences

- 7 (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.
- (2) No person may falsely present himself / herself as a member or pretend to be a member.

- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself / herself by producing the relevant certificate of appointment and/or mark of appointment, as prescribed in Annexure IV to these by-laws, or by furnishing proof of identity within a reasonable period.
- (4) Any person who contravenes or fails to comply with this Section is guilty of an offence.

Chapter 3

FIRE PROTECTION AND FIRE-FIGHTING COMBUSTIBLE MATERIALS AND REFUSE

- 8 (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Making fires

- 9 (1) No person may, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to -

- (a) a fire in an approved, purpose-made stove, fireplace or hearth which is an integral part of a structure;
 - (b) a fire for preparing food on private premises or premises set aside for that purpose; and
 - (c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of Sub-section (1).
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Firebreaks

- 10 (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of –
- (a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by -

- (i) cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
 - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
 - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
 - (iv) removing all chopped and/or sawn-off residue from the erf or premises or ensuring that the residue is removed; and
 - (b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5m belt, a 5m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations there-under, apply *mutatis mutandis* to this Section.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Inspection of properties and instructions to occupiers

- 11 (1) Any officer contemplated in Section 6(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.

- (2) An officer contemplated in Sub-section (1) may, arising from a condition referred to in Sub-section (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
- (3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in Sub-section (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.
- (b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) Any person who fails to comply with a written instruction referred to in this Section is guilty of an offence.

Accessibility of fire-fighting equipment

- 12 (1) Fire-fighting equipment and the appropriate service installations must be installed so as to be readily accessible at all times.
- (2) Any person who, in whatever way, causes or permits fire-fighting equipment and the appropriate service installations not to be readily accessible is guilty of an offence.

Fire protection requirements for premises

- 13 (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, are, for the purposes of the enforcement of these by-laws in relation to fire protection requirements, applicable mutatis mutandis to premises in the area.
- (2) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that -
- (a) the access to the transformer room(s) is situated on the outside of the building; and
 - (b) provision is made for adequate access to the transformer room(s) for fire fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SANS 10087, Part III; and SANS10089, Part I, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with any of the provisions of Sub-sections (2), (3) and (4) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part

V and Part W of SANS 10400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

Access for fire-fighting and rescue purposes

14 (1) All premises in the area must be planned, designed and constructed so as to ensure that: -

- (a) provision is made (in addition to the street reserve) on the premises for the parking and operating of Service machines and/or equipment on a climate-proof and weather-proof parking surface that is at least 10m wide and runs the full length of the side elevation which borders the surface;
- (b) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
- (c) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 4.0m) wide and (4,5m) high and there must be nothing causing an obstruction of the opening:

Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to (4.0m).

- (2) (a) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 75mm high and must be visible from the street.
- (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Upkeep and maintenance of fire-fighting equipment

- 15 (1) The owner of any premises must ensure that: –
 - (a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS as contemplated in SANS 1475 and registered in terms of SANS 1475;
 - (b) Portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 10105 and SANS 1475;
 - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
 - (d) Installations are inspected by a registered person at least every twelve calendar months.

- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must –
 - (a) on completing the work, certify that the service installation is fully functional; and
 - (b) Notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (3) The owner of any premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submits the record to the Service every twelve months.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Extractor fan systems

- 16 (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with SANS 1850, (Standard for the design and manufacture of commercial kitchen extraction systems) and in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in Sub-section (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) The conduit and outlet of any system referred to in Sub-section (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.

- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Rational designs

- 17 (1) the construction, design and/or erection of –
- a. Hangars;
 - b. Helipads;
 - c. Grain silos;
 - d. Atriums;
 - e. Air traffic control towers;
 - f. Towers for communications or other uses;
 - g. Military structures or buildings;
 - h. Thatched structures larger than 20 m² and situated within 4,5 m of any boundary line;
 - i. Tents and any other temporary structures for holding public gatherings;
 - j. open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds 45 m; and
 - k. any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of Sub-section (1), provision must also be made, in the case of hangars or helipads, for –
- a. The drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
 - b. The channelling of any liquid to a drainage area which is effectively connected to a separator well;

- c. The prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and d. Earthing devices for discharging static electricity.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Emergency evacuation plans

- 18 (1) The owner or occupier of designated premises must -
- (a) Within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
 - (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
 - (c) ensure that –
 - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case, at least every twelve months;
 - (ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and

- (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
 - (d) Identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- (2) The Service may from time to time -
- (a) Provide directives for updating and/or amending an emergency evacuation plan;
 - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
 - (c) Require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Certificates of fitness for all public buildings

19. (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws,

when submitting the application form (the design guidelines appear in Annexure II to these bylaws).

- (2) No certificate of fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable:
 - (a) The trade name and street address of each occupier
 - (b) The type of activity of each occupier
 - (c) The name of the persons on the executive
 - (d) The permissible number of people in proportion to the usable floor area
 - (e) The number of emergency exits and their widths
 - (f) A cancellation clause in the event of any applicable provision of these bylaws being disregarded
 - (g) An obligation on the part of the holder of the certificate to –
 - (i) Display the certificate prominently on the premises at all times; and
 - (ii) Maintain the certificate in a legible condition at all times with date, year and serial number i. The date of expiry of the certificate.
- (4) Subject to the provisions of Section 22 of these by-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority -

- (a) Is in possession of a set of plans referred to in Section 23 of these by-laws and approved by the Service; and
 - (b) Has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.
- (7) The holder of a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.
- (8)
 - (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result ipso facto in the cancellation of the certificate of fitness, including any other authorisation granted in terms of these by-laws.
 - (b) The provisions of this Sub-section are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9)
 - (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plans of the premises in question for the purposes of the renewal application, the plans must accompany the application.
 - (b) The Service may send a reminder in respect of the renewal.
- (10) Any person who fails to comply with the provisions of this Section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

Water supply for fire-fighting

21. (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire).
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practise.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure II to these bylaws, from the Service, for submission to the Water Supply Division of the controlling authority: Provided that –
- (a) if the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
- (b) if the Service requires a larger water supply for the premises to ensure that fire- fighting equipment functions in accordance with

the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and

- (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in Sub-section (10)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 0252, Part 1.

Registration applications for existing premises

22. (1) If an owner rebuilds, alters, extends or changes the floor layout of an existing public building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of fitness, certificate of registration or spraying permit, as prescribed in Annexure II to these by-laws, will be renewed, unless and until all the appropriate provisions of these by-laws regarding an original application have been complied with.
- (2) No additions or alterations may be made to any existing registered premises unless and until –
- (a) the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
 - (b) The Building Control Officer and the Chief Fire Officer have approved the plan. (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

CHAPTER 4

HAZARDOUS SUBSTANCES AND FIRE SAFETY PLANS

Application for approval of plans

- 23 (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage or handling of hazardous substances or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
- (2) The prescribed fees payable to the Service for the approval of plans are determined in Annexure I to these by-laws, but these fees do not include the fees charged by the Building Control Officer for the approval of plans.
- (3) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.
- (4) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.

- (5) The provisions of Section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this Section.
- (6) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or constructions have not been erected in accordance with the approved plans.
- (7) Any owner of premises who fails to comply with the provisions of this Section or any person who on behalf of the owner is involved in any activity contemplated in this Section and fails to comply with the provisions of this Section is guilty of an offence.

Issuing of certificates of registration

- 24 (1) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this Section are not applicable:

Group I: Explosives Fireworks No exemption

Group II: Gases 2.1 Flammable gases Total cylinder capacity may not exceed (100kg) 2.2 Non-flammable gases Total cylinder capacity may not exceed 333 Kg 2.3 Toxic gases No exemption

Group III: Flammable liquids 3.1 With flash points $\geq 18^{\circ}\text{C}$ Total quantity may not exceed 100 Litre 3.2 With flash points $> 18^{\circ}\text{C}$ Total quantity may not but $\leq 23^{\circ}\text{C}$ exceed 420 Litre 3.3 With flash points $> 23^{\circ}\text{C}$ Total quantity may not but $\leq 61^{\circ}\text{C}$

exceed 1100 Litre 3.4 With flash points > 61 °C Total quantity may not but ≤100°C
exceed 1100 Litre

Group IV: Flammable solids 4.1 Flammable solids Total quantity may not
exceed 250 Kg 4.2 Pyrophoric substances. No exemption 4.3 Water-reactive
substances No exemption

Group V: Oxidising agents and organic peroxides 5.1 Oxidising agents Total
quantity may not exceed 200 Kg 5.2 Group I organic peroxides in packets No
exemption 5.3 Group II organic peroxides in packets Total quantity may not
exceed 200 Kg

Group VI: Toxic/infective substances

Group I toxic substances in packets Total quantity may not exceed 5 Kg 6.2
Group II toxic substances in packets Total quantity may not exceed 50 Kg 6.3
Group III toxic substances in packets Total quantity may not exceed 500 Kg 6.4
Infectious substances No exemption

Group VII: Radioactive materials No exemption

Group VIII: Corrosive/caustic substances 8.1 Group I acids in packets Total
quantity may not exceed 50 Kg 8.2 Group II acids in packets Total quantity may
not exceed 200 Kg 8.3 Group III acids in packets Total quantity may not exceed
1000Kg 8.4 Group I alkaline substances in packets Total quantity may not
exceed 50 Kg 8.5 Group II alkaline substances in packets Total quantity may not
exceed 200 Kg 8.6 Group III alkaline substances in packets Total quantity may
not exceed 1000Kg

Group IX: Miscellaneous substances 9.1 Liquids Total quantity may not exceed
210 Litre 9.2 Solids Total quantity may not exceed 210 Kg

- (2) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in Sub-section (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the hazardous substances are stored, used or handled in such place or in such manner as to ensure that - a) no hazardous substance or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the hazardous substance or fumes to catch fire; and b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.

- (3) No person may, on any unregistered premises, use or handle hazardous substances, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) Hazardous substances may be stored on unregistered premises only if the hazardous substances are, when not in use, stored in strong and labelled containers.
- (5) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (6) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate: -
 - a. must at all times be displayed in a weather-proof container in a conspicuous place on the premises designated by a member of the Service;
 - b. must be maintained in a legible condition at all times;
 - c. must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
 - d. must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;

- e. must reflect the number of storerooms and the total capacity of each storeroom;
- f. must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
- g. must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
- h. must reflect a serial number;
- i. must indicate whether the issue of such certificate is permanent or temporary;
- j. must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
- k. is not transferable from premises to premises;
- l. must, subject to the provisions of Section 22 of these by-laws, be transferable from owner to owner and/or from control to control on the same premises: Provided that –
 - (i) application for such transfer is made to the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service;

- m. will not be issued unless the Service is in possession of a set of approved plans as required by Section 23 of these by-laws; and n. will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (7) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- (i) The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.
 - (ii) If the application is approved, the applicant must submit his/her certificate of registration to the Service for any amendment as may be necessary from time to time.
- (8) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (9) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (10) Any person who fails to comply with the provisions of this Section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.

Supply of hazardous substances

25. (1) No person may –

- (a) supply more hazardous substances than the quantities referred to in Section 24(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
 - (b) deliver or supply more hazardous substances than the quantity specified in the applicable certificate of registration or hazardous substances of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.
- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Exemptions

26. (1) notwithstanding anything to the contrary in these by-laws –
- (a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;
 - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litre and the fuel tank is surrounded by a liquid proof bund wall, volumetrically be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Renewal of spraying permits and / or certificates of registration

27. (1) Any holder of a certificate of registration or spraying permit must, before the first working day of December each year, apply for renewal of the certificate or permit to the Service on the prescribed form, which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Temporary storage of hazardous substances

- 28 (1) The Service may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in Section 24(1) of these by-laws: Provided that –
- (a). if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to (23 000) Litre;
- (b) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by Section 23 of these by-laws; and
- (c). the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure:-

- (a) that the storage tank is surrounded by a liquid-proof bund wall, which is capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
 - (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (c) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;
 - (d) no source of ignition or potential ignition is brought within 5 m of the storage tank;
 - (e) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation; and
 - (f) a minimum of two 9kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.
- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Delivery of hazardous substances

- 29 (1) Any person delivering hazardous substances to any supplier or user:-
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
 - (b) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
 - (c) must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times;

- (d) must ensure that, during the transferral of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
 - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
 - (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.
- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the specific purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Prohibition of certain actions

- 30 (1) Any person who stores, uses or handles hazardous substances on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –

- (a) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably result in or cause a fire or an explosion; and
 - (b) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any hazardous substance in or spill any hazardous substance into any borehole, pit, sewer, drainage system or surface water, or permit any hazardous substance to be dumped in or spilled into any borehole, pit, sewer, drainage system or surface water.
- (3) No person may discard hazardous substances in any manner other than by having the substances removed or permitting the substances to be removed by an organisation which is fully equipped to do so.
- (4) No person may light, bring or use, within 5 m of any area where, to his/her knowledge, hazardous substances are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5 m of such area.
- (5) No person may use any device in connection with hazardous substances in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to any hazardous substances in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.

- (7) Any person who fails to comply with the provisions of this Section is guilty of an offence.

"No smoking" signs

- 31 (1) the owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SANS 1186 and be of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.

- (2) Any owner who fails to comply with the provisions of Sub-section (1) is guilty of an offence.

- (3) Any person who disregards the prohibition in Sub-section (1) or permits the prohibition to be disregarded is guilty of an offence.

Fire-fighting equipment

- 32 (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of Section 24 of these bylaws and/or spraying permit in terms of Section 48(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with: -

- (a) Portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 1910 (dry chemical powder, foam and water types) and SANS 1571 (transportable type), of a minimum capacity of 9 kg or 9 Litre, as the case may be, in a ratio of one fire extinguisher to every 100 m² or part of it: Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks

- necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;
- (b) Hose reels, as specified in SANS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0,5 Litre per second at a work pressure of 300 Kpa;
 - (c) Fire hydrants, with couplings as specified in SANS 1128, Part II (Firefighting equipment - Couplings), in a ratio of at least one to every 1 000 m² or part of it; and
 - (d) approved sprinkler systems in any above-ground facility, of which the capacity is 9m³ or larger, with the exception of temporary storage facilities as referred to in Section 28 of these by-laws, and installed in positions indicated on the plans referred to in Section 23 of these by-laws.
- (2) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the Service.
- (3) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Reporting of fires, accidents and dumping

- 33 (1) The occupier of any premises must immediately report any fire, accident or dumping involving hazardous substances on the premises that has caused damage to property, the ecology of the environment or injury to human beings or animals to the Service.

- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Sampling

34 (1) Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may take a sample of any relevant substance for analysis, provided that:-

- (a) any sample so taken must be taken in the presence of the owner, occupier or any other third party;
- (b) any sample must be divided into two equal parts and be sealed in similar containers with the following information on the containers:
 - (i) The address and the location of the premises
 - (ii) The trade name of the premises or concern
 - (iii) The name and signature of the persons who are present, as contemplated in Sub-section (1)(a)
 - (iv) The date on which and time at which the sample was taken
 - (v) A description of the exact location on the premises where the sample was taken;
- (c) any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the Service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be.

Storage tanks and devices that have become obsolete

35 (1) The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of Section 37 of these By-Laws, remove the tank or device or have the tank or

device removed, or fill up the tank with matter as provided for in SANS 100893

- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Access to storage tanks for repairs and maintenance

36 (1) No person may enter or permit any other person to enter any storage tank which contained Group III hazardous substances, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089-1, as amended.

- (2) No person may enter any storage tank which contained Group III hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.

- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Installation, erection, removal and demolition

37 (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-laws.

- (2) Any failure to act as contemplated in Sub-section (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these by-laws: Provided that the provisions of this Section are not applicable whenever:-
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith;
 - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) No structure, installation or building may, after completion of the action referred to in Sub-section (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in Section 23 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance with the provisions of PART D HAZARDOUS SUBSTANCES, of these by-laws.
- (4) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Group i hazardous substances

- 38 (1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under those Acts, as the case may be.

- (2) (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.
- (b) The Chief Fire Officer may impose any fire protection measures he/she deems.
- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this Section is guilty of an offence, and the explosives or fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.

Group ii hazardous substances

Portable containers

- 39 (1) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.
- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (3) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

Bulk containers

- (4) All bulk containers for Group II hazardous substances must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

Manifold installations

- (5) (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this Section are not applicable to the storage, use, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45 Litre inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for bona fide residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1.
- (i) Any person who furnishes proof, as contemplated in Sub-section (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
- (ii) Scientifically based detailed calculations and tests must be the basis of such proof.

- (6) (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
 - (b) In enforcing this Sub-section, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or no explosiveness of the gas compound can be certified scientifically.
 - (c) The provisions of Section 39(5)(b) of these by-laws are applicable mutatis mutandis to this Sub-section.
- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SANS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.
- (8) The installation within the area of underground pipelines for any Group II hazardous substance, and branches or manifolds of pipelines, as the case may be, is mutatis mutandis subject to the provisions of Sections 22, 23, 24, 25, 27, 29 and 31 of these bylaws.

Underground pipelines

- (9) Any underground pipeline for a Group II hazardous substance must comply with the following requirements:
- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600 litre per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.

- (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
 - (d) The installation and extension of the pipeline and/or branches to consumers' premises, and the maintenance of the pipeline within the area, must in toto be done according to a recognised standard approved by the Chief Fire Officer.
 - (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Group iii hazardous substances

Tank manufacture

- 40 (1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III hazardous substances, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (2) Any person who installs uses or utilises or attempts to install, use or utilise any underground storage tank which does not comply with the requirements of SANS 1535 is guilty of an offence.

Installation of storage tanks

- 41 (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SANS 10089, Parts I, II and III; SANS 10131, Parts I, II and III; SANS 10108 and SANS10086, as the case may be: Provided that -
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
 - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
 - (c) all installations, as contemplated in Sub-section (1)(a) and (b), as the case may be, are subject mutatis mutandis to the provisions of Section 23 and Section 24 of these bylaws, as the case may be; and
 - (d) all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in Section 28 of these by-laws
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

CHAPTER 5**CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS CONSTRUCTION OF VEHICLES FOR GROUPS I, II, III, IV, V, VI, VII, VIII AND IX HAZARDOUS SUBSTANCES**

- 42 (1) Any road tanker for the transportation of Groups II, III, V, VI, VIII and IX hazardous substances must be constructed and maintained in accordance with the provisions of SANS 0189, SANS 1398 and SANS

0233, as the case may be, and must be labelled in accordance with the provisions of SANS 0232, the Hazardous Substances Act, 1973, and any regulations made under the Act.

- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in Section 2(1) of the Hazardous Substances Act, 1973, must –
- (a) Be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
 - (b) Have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
 - (c) Be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 kg or more;
 - (d) Be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
 - (e) be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog winch mechanism that can be locked
 - (f) Have electrical wiring that complies with the requirements of SANS 10314 and be maintained in accordance with SANS 10314;
 - (g) Have at least two static-free wheel blocks;
 - (h) Have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
 - (i) have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the

- hazardous substance catching alight in transit: Provided that portable containers that contain or have contained Group II hazardous substances may only be transported in an open-bodied vehicle; and
- (j) Have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in Section 44 of these by-laws must be equipped with at least two 9kg dry chemical fire extinguishers, which extinguishers must be –
- (a) Designed and manufactured in accordance with the specifications contained in SANS 1910;
- (b) Maintained in accordance with SANS 10105 and SANS 1475; and
- (c) So positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substance in a road tanker or in any other vehicle contrary to an requirements contained in this Section, or has it so transported or permits it to be so transported, is guilty of an offence.

Duties, responsibilities and skills of a driver of a vehicle for hazardous substances

- 43 (1) Any driver of a vehicle referred to in Section 42 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transportation Act, 1977 (Act 74 of 1977), and must act in accordance with SANS 10189, SANS 10232, the

Hazardous Substances Act, 1973, and the regulations made under the Act.

- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

Service transport permit

44 (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to Section 45 of these bylaws, have a valid transport permit in terms of this Section for transporting hazardous substances: Provided that –

- (a) each vehicle for which such a permit has been issued must comply with the provisions of Section 42 of these bylaws;
- (b) The application form, provided for in Annexure II to these by-laws and obtainable from the Service, must be completed correctly and in full;
- (c) The application form must be accompanied by the fees prescribed in Annexure I to these by-laws; and
- (d) The application must be submitted for processing to the hazardous substances registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.

(2) The transport permit must –

- (a) Indicate the date of issue and the date of expiry;
- (b) be valid for a period of twelve months from the date of issue;
- (c) Indicate the name, in block letters, of the issuing officer and bear the officer's signature;
- (d) Indicate a year-linked serial number;

- (e) Indicate the group and quantity of hazardous substances to be transported;
 - (f) Indicate the registration number of the vehicle in question;
 - (g) Be displayed in a purpose-made waterproof container attached to the side of the chassis frame supporting the tank, load level or load space; and
 - (h) at all times be maintained in a legible condition.
- (3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (4) Any person who fails to comply with the provisions of this Section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

Exceptions with regard to transport permits

- 45 (1) Subject to the provisions of Section 44 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said Section 44:
- (a) Single-load hazardous substance(s)
 - 1. Group I: Explosives No exemption
 - 2. Group II: Gases
 - 2.1 Flammable gases Total cylinder capacity may not exceed (100 Kg)
 - 2.2 Non-flammable gases Total cylinder capacity may not exceed 333 Kg
 - 2.3 Toxic gases No exemption: Provided that any gas cylinders which are inside a framework attached to a heavy goods vehicle and which are intended for heating the product being transported are exempt from these provisions.

3. Group III: Flammable liquids
3.1 With flash points $\leq 18^{\circ}\text{C}$ Total quantity may not exceed 100 Litre
3.2 With flash points $> 18^{\circ}\text{C}$ Total quantity but $\leq 23^{\circ}\text{C}$ may not exceed 420 Litre
3.3 With flash points $> 23^{\circ}\text{C}$ Total quantity but $\leq 61^{\circ}\text{C}$ may not exceed 1 100 Litre
3.4 With flash points $> 61^{\circ}\text{C}$ Total quantity but $\leq 100^{\circ}\text{C}$ may not exceed 1 100 Litre
4. Group IV: Flammable solids
4.1 Flammable solids Total quantity may not exceed 250 Kg
4.2 Pyrophoric substances No exemption
4.3 Water-reactive substances No exemption
5. Group V: Oxidising agents and organic peroxides
5.1 Oxidising agents Total quantity may not exceed 200 Kg
5.2 Group I organic peroxides in packets No exemption
5.3 Group II organic peroxides in packets Total quantity may not exceed 200 Kg
6. Group VI: Toxic/infective substances
6.1 Group I toxic substances in packets Total quantity may not exceed 5 Kg
6.2 Group II toxic substances in packets Total quantity may not exceed 50 Kg
6.3 Group III toxic substances in packets Total quantity may not exceed 500 Kg
6.4 Infective substances No exemption
7. Group VII: Radioactive materials No exemption
8. Group VIII: Corrosive/caustic substances
8.1 Group I acids in packets Total quantity may not exceed 50 Kg
8.2 Group II acids in packets Total quantity may not exceed 200 Kg
8.3 Group III acids in packets Total quantity may not exceed 1 000 Kg
8.4 Group I alkaline substances in packets Total quantity may not exceed 50 Kg
8.5 Group II alkaline substances in packets Total

quantity may not exceed 200Kg 8.6 Group III alkaline substances
in packets Total quantity may not exceed 1000Kg

9. Group IX: Miscellaneous substances

9.1 Liquids Total quantity may not exceed 210 Litre

9.2 Solids Total quantity may not exceed 210 Kg

(b) Multiple-load hazardous substances

No exceptions.

CHAPTER 6

STOREROOMS FOR HAZARDOUS SUBSTANCES REQUIREMENTS FOR STOREROOMS

Capacity

- 46 (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in Section 47 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.

Danger notices in storeroom

- (2) No person may use any storeroom or permit any storeroom to be used for Group III hazardous substances, unless –
- (a) Symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SANS 1186, are affixed in the storeroom; and

- (b) the relevant groups of hazardous substances and the corresponding quantities of the substances which may be stored in the storeroom are indicated in 75mm high red letters against a white background on the outside of the door(s) to the storeroom.

Display of certificate of registration

- (3) The certificate of registration for a storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition in a weatherproof container on the outside of a door normally used as the entrance to the storeroom.

Construction of storerooms (excluding storerooms in recognised bulk depots and bulk installations)

- (4) The construction of any storeroom must be in accordance with the following requirements: -
 - (a)
 - (i) The walls must be of brick or concrete.
 - (ii) The floor must be of concrete.
 - (iii) The roof must be of reinforced concrete of which the composition must offer fire resistance of at least 120 minutes.
 - (b) Notwithstanding the provisions of Sub-section (4)(a)(iii), the roof of a storeroom may be manufactured from any other non-combustible material if –
 - (i) The storeroom adjoins a higher wall that has no opening at any place within 10m above the storeroom and has no openings within 5 m of a side thereof; and
 - (ii) The storeroom is not situated within 5 m of any adjacent building and/or boundary of any premises.

Doors

- (5) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SANS 1253: Provided that -
- (a) The said doors must open to the outside and have a lock or locks as are approved by the Chief Fire Officer;
 - (b) Whenever the distance to be covered from any storeroom is 4 m or more, the storeroom must have at least two Class B-type fire doors, which doors must be installed as far from each other as is practicable; and
 - (c) Any door providing access to a storeroom must at all times be capable of being opened easily from the inside without the use of a key.

Windows

- (6) All window frames must be manufactured of steel and must –
- (a) Be fitted with wire glass with a minimum thickness of 8mm; and
 - (b) Have window panels with a maximum size of 450 mm x 450 mm: Provided that no window must be capable of being opened.

Catch pit

- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –
- (a) The catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored in the storeroom, plus 10%;
 - (b) the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed;

- (c) An access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
- (d) The catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

Ventilation

- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of hazardous substances is effectively ventilated, whether naturally or mechanically, in all parts of the storeroom. The fumes must be released into the open air at a place or places where the fumes are not likely to come into contact with any source of ignition which may ignite such fumes.

Natural ventilation

- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: Provided that the airbricks are -
 - (a) Provided in at least three external walls; and
 - (b) Positioned 100 mm above the level of the sill and 100 mm below the roof and not more than 450 mm apart.

Mechanical ventilation

- (10) Whenever natural ventilation as contemplated in Sub-section (9) cannot be effected and the depth of the wall level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
 - (a) The capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour;

- (b) The vanes of the system must be manufactured from a static-free material;
- (c) The fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
- (d) All ventilators must be attached firmly to the inside of the walls;
- (e) The bottom ventilators must be affixed as close as possible to the level of the sill; and
- (f) All ventilation openings and/or air duct openings must be installed in the opposite wall, 100 mm above the level of the sill to ensure cross ventilation in conjunction with the said mechanical ventilator.

Electrical equipment

- (11) The owner or person in charge of a storeroom must ensure that -
- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SANS 10108;
 - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
 - (c) All metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground;
 - (d) Switches actuating any mechanical ventilation system are situated outside the storeroom;
 - (e) any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided

that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and

- (f) Whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

Electrical installations installed by qualified electricians

- (12) All electrical installations must be installed and certified by a suitably qualified electrician: Provided that the certificate must be submitted to the Service for record purposes immediately after installation.

Storerooms constructed from other, non-combustible materials

- (13) Notwithstanding the provisions of this Section, a storeroom may be constructed from other, non-combustible materials: Provided that:-
 - (a) the storeroom is not constructed within 30 m of any other building and/or the boundary of premises;
 - (b) the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of hazardous substances able to be stored in the storeroom, plus 10%; and
 - (c) the floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination.

Unauthorised access

- (14) No person may enter or have any other person enter or permit any other person to enter any storeroom without the express permission of the occupier or any other responsible person who is in charge of such storeroom.

Abuse of a storeroom

- (15) No person may -
- (a) Use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of hazardous substances in the storeroom;
 - (b) Employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and
 - (c) Place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.
- (16) Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this Section is guilty of an offence.

Keeping and handling hazardous substances in a storeroom

47. (1) Any storeroom referred to in Section 46 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives), as defined in Section 2(1) of the Hazardous Substances Act, 1973: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.
- (2) Notwithstanding the provisions of Section 46 of these by-laws, any grouped hazardous substance contemplated in this Section, with the exception of Group I hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SANS 0263 and kept in terms of SANS

0263: Provided that any storeroom will be subject mutatis mutandis to the provisions of Sections 22, 23 and 24 of these by-laws, as the case may be.

- (3) Any person who fails to comply with the provisions of this Section is guilty of an offence.

CHAPTER 7

SPRAY-PAINTING MATTERS AND SPRAYING PERMITS REGISTRATION OF SPRAY-PAINTING ROOMS

- 48 (1) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III hazardous substance or with liquid compounds of a Group III hazardous substance, or with any other hazardous substance, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II to these bylaws.

Prohibition of certain actions

- (2) No person may use or handle hazardous substances, or permit hazardous substances to be used or handled, on unregistered premises, unless a member is satisfied that the hazardous substances will be used or handled in a place and in a manner that will ensure that -
- (a) no hazardous substance or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the hazardous substance or fumes alight; and
 - (b) the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

Display and conditions of spraying permit

- (3) A spraying permit is issued on the following conditions:-
- (a) The spraying permit must at all times be displayed prominently in a weather-proof container on the premises in a place designated by a member.
 - (b) The spraying permit must be legible at all times.
 - (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - (d) A serial number must be indicated on the spraying permit.
 - (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.
 - (f) The spraying permit is not transferable from premises to premises.
 - (g) In the case of reconstructing, the spraying permit is, subject to the provisions of Section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that -
 - (i) Application must be made for transfer to the Service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.
 - (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in Section 23 of these bylaws.
 - (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.

- (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - (ii) The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
 - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this Section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

Construction and design of spray- painting rooms

- 49 (1) The construction of a spraying room and/or spraying booth must be in accordance with the following requirements: -
 - (a) The floor must be of concrete.
 - (b) The walls must be of brick and/or concrete.
 - (c) The roof must be of reinforced concrete.
 - (d) The doors must be Class B-type fire doors as contemplated in SANS 1253.

- (e) The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of Sub-section (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5 mm.
 - (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
 - (c) If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
 - (d) The floor must be of concrete or metal.
 - (e) The window frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
 - (f) All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in Subsections (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and

finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.

- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR and is found to be suitable for the particular intended purpose.

Location of and access to a spraying room

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must:
- - (i) open to the outside;
 - (ii) be at least 800 mm x 2 00 mm in extent;
 - (iii) be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m; and
 - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.

- (d) Any spraying room contemplated in Sub-section (2) may be erected indoors and outdoors against fire walls: Provided that not more than two sides of the spraying room may border the fire walls.

Water floors

- (6) (a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
 - (b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed circuit pump circulation system of noncorrosive metal pipes with a suitable diameter and wall thickness. Electrical equipment
- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate class and division type for the particular area in terms of SANS 0108.
- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 0108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.

- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) A suitably qualified electrician must install and certify all electrical installations: Provided that the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

Mechanical ventilation

- (12) (a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that
: -
 - (i) The capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour;
 - (ii) The vanes of the system must be manufactured from static free materials;
 - (iii) The fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
- (b) All ventilators must be attached firmly to the inside of the walls;
 - (i) The bottom ventilators must be affixed as close as possible to the level of the sill; and
 - (ii) All ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.

Fire dampers, fire detectors and fire alarms

- (c) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of the ventilation system, on the

inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must -

- (i) Close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10 °C in the predetermined working temperature;
 - (ii) Be so installed that the damper will remain in position even if the air duct distorts during a fire; and
 - (iii) be provided with an overriding fusible link.
- (d) The sensor contemplated in Sub-section (12)(b)(i) must also –
- (i) be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10 °C in the predetermined working temperature inside the spraying room; and
 - (ii) Activate a visual and audible alarm inside and outside the spraying room.

Positioning of ventilation outlets

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof or 4m above the ground level and at least 5m from any opening of a building.
- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

Display of signs prohibiting open flames and smoking

- (15) No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured and installed

in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this Section. Unauthorised access
- (17) No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner and/or occupier or any other responsible person in charge of the spraying room.

Abuse of spraying room

- (18) No person may: -
 - (a) use any spraying room or permit any spraying room to be used for any purpose other than for practising or exercising activities related to spray-painting in the spraying room;
 - (b) Employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
 - (c) Place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

Provision of fire-fighting equipment

- (19) (a) Any spraying room must have a 9kg dry chemical fire extinguisher on the inside, as well as a 9kg dry chemical fire extinguisher and a 9kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.

- (b) All spraying rooms must be protected by a fire hose reel referred to in Section 32(1) (b) of these by-laws.

Drying kiln / heating devices

- (20) Whenever any manifold installation of a Group II hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 10087-1, and the relevant provisions of these by-laws will apply mutatis mutandis in the application of this Section.
- (21) Any person who fails to comply with the provisions of this Section is guilty of an offence.

CHAPTER 8

ANIMALS HANDLING ANIMALS DURING EMERGENCIES

- 50 (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may –
 - (a) Authorise a suitably qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
 - (b) Recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.
- (2) Any person who fails to comply with the provisions of this Section is guilty of an offence.

CHAPTER 9

PENALTIES FOR CONTRAVENTIONS

- 51 (1) Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction is liable to a fine as contemplated in the Fine Schedule, and in default of payment, liable to imprisonment for a period not exceeding twelve (12) months.
- (2) person who tempers with or allows others to temper with firefighting equipment is guilty of an offence and on conviction liable to a fine as contemplated in the Fine Schedule, and in default of payment, liable to imprisonment for a period not exceeding twelve (12) months.

CHAPTER 10**GENERAL OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

52. The provisions of these by-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these bylaws.

REPEAL OF BY-LAWS

53. The following by-laws are hereby repealed:
- (a) Any By-Laws which was previously applicable and related to by-laws on fire brigade services are hereby repealed.

SHORT TITLE

54. These by-laws are called the Ga-Segonyane Local Municipality Fire Brigade Services By-laws and their provisions come into operation on a date fixed by proclamation in the Government Gazette.

ANNEXURE I OFFICIAL DOCUMENTS

A. General

1. The Service must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these by-laws.
2. All official documents must at all times be completed in triplicate; the original copy is for the client and the remaining two copies for the Service for administration purposes.

B. Standard administrative information in documents

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full, including the postcode (on all application forms)
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer

9. The date on which the document was issued
10. The expiry date of the document
11. The type of document, such as:
 - (a) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
 - (b) "Application for a certificate of fitness" or "Certificate of fitness"
 - (c) "Application for a certificate of registration/spraying permit" or "Certificate of registration/Spraying permits"
 - (d) "Application for a transport permits (e) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
12. Any other relevant information, such as:
 - (1) The groups and subgroups of hazardous substances for which registration is required
 - (2) The required quantity of each group of hazardous substance
 - (3) The manner in which the substances are to be stored, for example –
 - (a) in an underground storage tank;
 - (b) in an above-ground storage tank;
 - (c) in a hazardous substance store; or
 - (d) in a manifold installation
 - (4) An indication of all spray-painting rooms and submersion tanks, as the case may be.
13. A watermark (on all permits and certificates)
14. A serial number (on all permits and certificates)
15. A receipt number (on all permits and certificates)
16. The official stamp of the Service.

C. Official documents in connection with these by-laws

1. Application forms

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2)
 - (a) All application forms must have all the administrative information as contained in paragraph B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS).
 - (b) On all application forms, space must be left in which the correct application fee, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.
 - (d) A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SANS codes of practice and/or specifications, as the case may be.
- (4) At the top of each checklist -
 - (a) It must be stated that the checklist is for office use only;
 - (b) Space must be set aside for the date, time and place of the appointment for an inspection; and
 - (c) Space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- (5) At the end of each checklist, space must be set aside for -
 - (a) The signature of the member of the Service who completed the checklist;

- (b) The date on which the checklist was completed; and c. An indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for –
 - (a) Full particulars of the registration officer who received the application fee;
 - (b) The method of payment, for example cash, postal order or cheque; and
 - (c) An official receipt number.

2. Permits and certificates

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph A.1 (DESCRIPTION OF SERVICE) in Annexure I to these bylaws must appear at the top of all permits and certificates.
- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS).

3. Transport permit

In addition to the contents in terms of the administrative provisions contained in paragraph (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS), a round disc with the following information must form part of the official documentation of the Service in the case of transport permits:

- (1) The registration number of the vehicle in question
- (2) The chassis number of the vehicle in question
- (3) The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker
- (4) The gross vehicle mass of the vehicle in question

- (5) The tare of the vehicle in question
- (6) The type of load to be transported, for example a single load or a multiple load, and the quantity to be transported in litres or kilograms, as the case may be
- (7) The group of hazardous substance(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be
- (8) Where applicable, the make of the vehicle
- (9) The date of issue of the permit
- (10) The date of expiry of the permit
- (11) The signature of the issuing officer
- (12) A serial number
- (13) A watermark.

Annexure ii emergency evacuation plans

A. General

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least twice a year, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.

4. Any emergency evacuation plan must be compiled in the dominant, official language(s) (which must be an official language of the Republic) of the employer.

B. Implementation of emergency evacuation plans

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

2. Dealing with and furnishing information contained in the emergency evacuation plan

(1) The emergency evacuation plan in its entirety

- (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
- (b) A number of copies must be kept in a safe in the control room.

(2) Emergency telephone numbers and bomb threat questionnaire

Emergency telephone numbers and the bomb threat questionnaire must be on hand at all telephones on the premises.

(3) Duties and responsibilities of emergency personnel

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.

(4) Action plans and emergency actions

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.

(5) Plans of the layout of premises and escape routes

Plans of the layout of the premises and escape routes must be put up permanently at all exits and strategic points on the premises.

3. Training of staff members

Staff members must be trained in the following:

- (1) First aid and/or fire fighting
- (2) Emergency aid
- (3) Emergency evacuation procedures
- (4) Emergency management techniques (Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan.)

C. The content of an emergency evacuation plan

Any emergency evacuation plan must contain the following: -

- (1) Emergency telephone numbers
- (2) The following general information: -
 - (a) The address of the premises in question
 - (b) The nature of the activities on the premises
 - (c) The number of staff members present on the premises at any time
 - (d) An indication of whether or not there is a control room on the premises

- (e) An indication of whether or not there is an alarm system on the premises
 - (f) Particulars of contact persons
- (3) An area study with the following information:-
- (a) History of incidents on the premises in question
 - (b) Important features/landmarks with regard to the location of the premises
 - (c) Key information of adjacent premises
- (4) Particulars regarding socioeconomic or other threats and the potential impact of the set threats on premises
- (5) Particulars of the following equipment available on the premises:-
- (a) Equipment in the control room
 - (b) Fire-fighting and first-aid equipment throughout the premises
 - (c) Any other equipment
- (6) The following information on manpower:-
- (a) Emergency management
 - (b) Continuity officers
 - (c) Fire teams
 - (d) First-aid teams
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises
- (10) An emergency plan register with the following information: -
- (a) Updated register of emergency evacuation plan
 - (b) Drill register of emergency evacuation plan

(11) A bomb threat questionnaire

Annexure III: identification of designated officers

1. Requirements for the certificate of appointment

The following particulars, as prescribed in Section 3 of Government Notice R159 of 2 February 1979, must appear on the certificate of appointment in at least two of the official languages of the Republic, where applicable:-

- (a) The full name of the person appointed;
- (b) the person's identity number;
- (c) the person's signature;
- (d) the person's photograph;
- (e) a description of the capacity in which the person is appointed;
- (f) the name of the employer who made the appointment; and
- (g) the signature and official stamp of the employer or responsible person.

2. Powers of designated officers

The powers of designated officers must appear on the reverse of the certificate of appointment or, alternatively, on a supplementary card of the same size, and this card must be attached to the certificate of appointment, with the following information, in at least two of the official languages of the Republic, where applicable: POWERS The bearer of this certificate is a LAW ENFORCEMENT OFFICER in terms of Government Notice R159 of 2 February 1979, as amended, and has been appointed a DEPUTY MESSENGER OF THE COURT in terms of Section 15(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944).

3. Appointment as inspector of explosives

- (1) All designated officers must also possess certificates of appointment, issued by the Chief Inspector of Explosives in terms of Section 2(5) of the

Explosives Act, 1956, for the purposes of policing and enforcing the law with regard to the storage, sale and use of fireworks.

- (2) The layout details of the certificate of appointment must correspond in toto to the layout details set out in clauses 1 and 2 above, and the bearer must produce this certificate as identification together with the certificate of appointment referred to in clause 1.
- (3) The following information, in at least two of the official languages of the Republic, where applicable, must appear on the certificate:

Powers

The bearer of this certificate is an INSPECTOR OF EXPLOSIVES in terms of Section 2(5) of the Explosives Act, 1956 (Act 26 of 1956), with regard to the STORAGE, SALE AND USE OF FIREWORKS.

Annexure Iv: normative reference list

1. Normative references

1.1 National legislation

Where reference is made in these by-laws to a National Act, the reference relates to the latest amended version of an Act bearing the number and title indicated in the following table –

Act Number	Title of Act
63 of 1977	Health Act, 1977
99 of 1987	Fire Brigade Services Act, 1987

32 of 2000	Municipal Systems Act, 2000
117 of 1998	Municipal Structures Act, 1998
103 of 1977	National Building Regulations and Building Standards Act, 1977
101 of 1998	National Veldt and Forest Fire Act, 1998
10 of 1998	Rationalization of Local Governments Affairs Act, 1988
15 of 1973	Hazardous Substances Act, 1973
85 of 1993	Occupational Health and Safety Act, 1993
93 of 1996	National Road Traffic Act, 1996
68 of 1995	South African Police Service Act, 1995
32 of 1944	Magistrates' Courts Act, 1944
26 of 1956	Explosives Act, 1956
74 of 1977	Road Transportation Act, 1977
43 of 1996	National Archives of South Africa Act, 1996

1.2.1. South African National Standards as well as SANS Codes of Practices and specifications

1.2.2

Where reference is made in these by-laws to an SANS or SANS number, the reference relates to the latest amended version of a document bearing the number and title indicated in the following table –

Number of Standard	Title of Standard/ Code of Practice/ Specification
1.	SANS 193 Fire Dampers
2.	SANS 314 ELECTRICAL WIRING
3.	SANS 541 Fire Hose Reels (with hose)
4.	SANS 1186 Symbolic Safety Signage

5.	SANS 1128-1 Fire Fighting Equipment Part 1: Components of underground and above-ground hydrant systems
6.	SANS 1128-2 Fire Fighting Equipment Part 1: Hose couplings, connectors and branch pipe and nozzle connections
7.	SANS 1253 Fire Door Assemblies
8.	SANS 1398 Road Tank Vehicles for Petroleum-Based Flammable Liquid
9.	SANS 1475-1 The Production of Reconditioned Fire-Fighting Equipment Part 1: Portable Rechargeable Fire Extinguishers
10.	SANS 1475-2 The Production of Reconditioned Fire-Fighting Equipment Part 2: Fire Hose Reels
11.	SANS 1535 Glass-Reinforced polyester-coated steel tanks for the underground storage of hydrocarbons and oxygenated solvents and intended for burial horizontally
12.	SANS 1567 Portable Rechargeable Fire Extinguishers – Carbon Dioxide type
13.	SANS 1910 Portable Rechargeable Fire Extinguishers – Dry Chemical Powder, Water and Foam type
14.	SANS 10087-1 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 1 : Liquid Petroleum Gas Installations involving gas storage containers of individual water capacity not exceeding 500Litre and a combined water capacity not exceeding 3 000 Litre per installation
15.	SANS 10087-2 the handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 2: Installations in mobile units and small non-permanent buildings
16.	SANS 10087-3 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 3 : Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 Litre
17.	SANS 10087-4 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 4 : Transportation of LPG in bulk by road

18.	SANS 10087-6 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6 : The application of liquefied petroleum gas as an engine fuel for internal combustion engines
19	SANS 10087-7 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 7 : Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 Kg
20.	SANS 10087-8 The handling storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 8 : The fuelling of fork lift trucks and other gas operated vehicles
21.	SANS 10089-1 the petroleum industry Part 1: Storage and distribution of petroleum products in above-ground bulk installations
22.	SANS 10089-2 the petroleum industry Part 2: Electrical code
23.	SANS 10089-3 The petroleum industry Part 3 : The installation of underground storage tanks, pumps / dispensers and pipe work at service stations and consumer installations
24.	SANS 086-1 the installation, inspection and maintenance of equipment used in explosive atmospheres Part 1: Installations other than in mines
25.	SANS 10105-1 the classification, use and control of fire-fighting equipment Part 1: Portable fire extinguishers
26.	SANS 10105-2 the classification, use and control of fire-fighting equipment Part 2: Fire hose reels
27.	SANS1 0108 the classification of hazardous locations and the selection of apparatus for use in such locations
28.	SANS 10189 the operation, handling and maintenance of road tank vehicles for flammable liquid
29.	SANS 10019 Portable metal containers for compressed gases: Basic design criteria, use and maintenance
30.	SANS 10090 Community Protections Against Fire
31.	SANS 10131 the Storage and Handling of Liquid Fuel
32.	SANS 10400 the Application of the National Building Regulations

33.	SANS 1850 the Design and Manufacture of Commercial Kitchen Extraction Systems
34.	SANS 0228 the Identification and Classification of Dangerous Substances and Goods
35.	SANS 0229 Packaging of Dangerous Goods for Road Traffic and Rail Transportation in South Africa
36.	SANS 0230 Transportation of Dangerous Goods – Inspection Requirements for Road Vehicles
37.	SANS 0231 Transportation of Dangerous Goods – Operational Requirements for Road Vehicles
38.	SANS 0232-1 Transportation of Dangerous Goods – Emergency Information Systems – Part 1: Emergency Information System for Road Transportation
39.	SANS 0232-1 Transportation of Dangerous Goods – Emergency Information Systems – Part1: Emergency Information System for Road Transportation
40.	SANS 0232-2 Transportation of Dangerous Goods – Emergency Information Systems – Part 2: Emergency Information System for Rail Transportation
41.	SANS 0232-3 Transportation of Dangerous Goods – Emergency Information Systems – Part 3: Emergency Action Codes
42.	SANS 0233 Intermediate bulk containers for dangerous substances
43.	SANS 0252-1 Water supply and drainage for buildings Part 1 : water supply installations for buildings
44.	SANS 0263 The Warehousing of Dangerous Goods – Enclosed storage areas and covered and uncovered outdoor storage yards
45.	SANS 0287 Automatic sprinkler installations for firefighting purposes



GA-SEGONYANA LOCAL MUNICIPALITY

PARKING AND LOADING MANAGEMENT BY-LAWS

Preamble

Ga-Segonyana Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, in conjunction with the National Road Traffic Act, 1996 (Act 93 of 1996) has made the By-Law set out in the schedule below:

Purpose of By-law

- To provide procedures, methods and practices to regulate parking as well as loading management.
- To repeal all By-law which were previously applicable and related to parking and loading Management By-Law

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Chapter 1

Definitions

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:–

“Ambulance” means a motor vehicle specifically construed or adapted for the conveyance of sick or injured persons to or from the place;

“Motor Vehicle” means any self-propelled vehicle and includes–

(a) A trailer; and

(b) A vehicle having pedals and an engine or an electric motor as integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine motor, but does not include–

- 1 any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

- 2 any vehicle with a mass not exceeding 230 kg and specially designed and construed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person

“Municipality” means the Municipality of Ga-Segonyana Local established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the

municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Parking” means to keep a vehicle, whether occupied or not, stationery in a parking space for a period of time longer than is necessary for the actual loading or unloading of persons 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 driver of such vehicle.

“Parking attendant” means an appointed person who on his own initiative’ offers a service to the public, whether in expectation of a reward or out of goodwill, at the request or with the consent of the person in charge of a vehicle, to supervise or render assistance while such vehicle is being parked or in the employ of an organisation who provide a parking attendant service

“Parking space” means an area demarcated by means of parking lines, a parking bay painted on a street or otherwise indicated

“Traffic Officer” means an officer appointed in terms of section 3 of the National Road Traffic Act, 1989 (Act 29 of 1989);

“Vehicle” means a vehicle as defined in the National Road Traffic Act, 1996, and any other word or expression shall have the meaning assigned thereto in the Act.

2. Application

This By-law shall apply on all premises situated on public property and shall be valid in the area of jurisdiction of the Municipality in so far as it is applicable and inconsistent with or excluded by the National Road traffic Act, 29 of 1989 or any other Act;

Chapter 2

Administrative provisions

3. Parking

- (1) A parking space shall only be occupied by a motor vehicle;
- (2) Where a vehicle or a combination of vehicles by reason of the length thereof occupies so much of an adjoining parking place or places that it is not possible to park a vehicle in an adjoining parking place or places in the manner prescribed in the by-law, the person parking the first-mentioned vehicle or combination of vehicles shall immediately after parking such vehicle or combination of vehicles in such parking place or places, apply a handbrake.
- (3) It shall be unlawful, to leave any vehicle in a parking place without applying a hand brake of a parking period as necessary.
- (4) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic hereon;
- (5) A parking area provided in this by-law that notwithstanding the making of a parking as fore said, nothing in this by-law shall entitle any person to contravene any road traffic sign prohibiting the stopping or parking of vehicles between the reasonable hours.

4. Reserved parking for the disabled, South African Police Services and identified groups

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the municipality, and may designate such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than the vehicle displaying a designated parking permit or a vehicle used by a disabled person issued in terms of regulation 80 of the National Road Traffic Act, no.93 of 1996.

5. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone
 - (a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
 - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than ten (10) minutes continuously, except while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or a person who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than ten (10) minutes

continuously, except while the vehicle is being actually loaded or off-loaded.

- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

6. Defective Parking Area

Where a person has ascertained that the parking space at any parking place is not operating/safe, he shall be entitled to leave a vehicle in that space but shall in that case immediately inform the municipality by the quickest possible means of the defect, as well as the area.

7. Exemptions

- (1) Notwithstanding any other provision contained in this By-law contained, the driver or person in charge of the following vehicles may, subject to the provisions of this By-law, park in a barricaded parking space without the municipal authorisations –
- (a) a vehicle used as an ambulance and being used on urgent ambulance service at the time;
 - (b) a vehicle used by a fire brigade for inspection purpose or for attendance at fires and being used by the fire brigade in carrying out inspection or its duties of preventing or suppressing fires at the time;
 - (c) a vehicle used by a police or traffic officer, and being used in connection with the execution of urgent duties at the time;
 - (d) a vehicle used for rescue or urgent bona-fide medical purposes and being used in carrying out a rescue, or for professional medical reasons at the time.

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- (2) Any disabled person who has been exempted from the laws relating to parking in accordance with the laws of any province, and to whom proof of such exemption has been issued, shall be deemed to be so exempted from the By-law applicable in the area of jurisdiction of the Municipality, but only to the extent to which that disabled person is originally exempted.

Chapter 3

Unlawful conduct and control of parking

8. Offences

(1) It shall be unlawful –

- (a) to park or leave anything except a vehicle at any parking space;
- (b) to park a vehicle next to an entrance or exit from a building; fire hydrant or emergency equipment
- (c) to park on a bridge
- (d) to provide and use any parking facilities, road markings, signs, cones and barriers on any part of a public road, without the prior written consent of the Municipality;
- (e) to defraud the Municipality, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of this By-law;
- (f) to allow any parked vehicle to cause a nuisance in any manner whatsoever;
- (g) to park or allow a vehicle to be parked in such a position in a parking space, parking ground or parking garage, that is likely to obstruct or to impede the movement of other vehicles or persons;

- (h) to clean, wash, work on or effect repairs to a vehicle, except minor emergency repairs, in a parking space, parking ground or parking garage, unless with the prior written permission of the Municipality;
 - (i) to allow or permit any vehicle to be parked in any parking space, parking ground or parking garage, except as permitted by the provisions
- (2) No person shall cause or permit any vehicle to be stopped or parked in any parking place which is already being used by some other vehicle.
- (3) No person shall cause or permit any vehicle to be stopped or parked in a parking place in such a manner that any portion of the vehicle protrudes over or beyond any of the lines of demarcation of such parking place,
- (4) No person shall cause, permit or suffer any vehicle of which he is the driver or which is under his control to be stopped or parked in any parking place except as permitted by the provisions of this by-law.

9. Control of Traffic

The municipality may whenever it deems necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign or signs indicating that there shall be no stopping or parking in any parking place or places and no person shall stop or park a vehicle or cause a permit a vehicle to be stopped or parked in such parking place during the hours which stopping or parking therein is prohibited in accordance with the indications on such sign.

10. Two-wheeled Vehicles

The Municipality may also set aside and demarcate within the parking meter areas smaller spaces for the parking of two-wheeled vehicles, and the provisions of this by-law shall be applicable to such smaller parking places.

11. Presumption

Whenever a vehicle is stopped or parked in contravention of a provision of this by-law it shall be presumed until the contrary is proved that such vehicle was so stopped or parked by the owner thereof.

Chapter 4

Penalties for contraventions

12. Penalties for unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to –
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
 - (d) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
 - (e) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked

by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

(4) The Municipality may —

- (a) attach a wheel clamp to any unlawfully parked vehicle;
- (b) cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
- (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (4)(a) or the release of a vehicle which was removed in terms of subsection (4)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle

Chapter 5

General provisions

13. General provisions

- (1) The Municipality may, whenever it deems it necessary or expedient to do so in the interest of the movement or control of traffic, place or erect a road traffic sign indicating that there shall be no parking in any metered parking space or spaces, and it shall be unlawful for any person to stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking space during the hours in which stopping or parking therein is prohibited in accordance with the indications on such sign.
- (2) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle. The Municipality may by sign indicate the maximum speed that may be travelled in a parking ground.

- (3) No person in charge of a vehicle, shall park such vehicle or cause or allow any vehicle to be parked –
- (a) at any parking space which is being used by some other vehicle;
 - (b) at any parking space in such manner that any portion of the vehicle protrudes over or beyond any of the lines of demarcation of such metered parking space;
 - (c) in an area demarcated for commercial loading purposes; unless immediately utilized by such delivery vehicle for that purpose.
- (4) The Municipality may also set aside and demarcate within the parking area smaller spaces for the parking of two-wheeled vehicles, and the provisions of this By-law shall be applicable such smaller spaces.
- (5) Any motor vehicle which has been left in a parking space, or a parking ground or in a parking garage for a continuous period of 7 days or more during any period within which this By-law operates, may be removed under the direction of the Chief Traffic Officer, or any other officer duly authorised by him. The vehicle shall be deemed to be an abandoned vehicle and shall be dealt with in accordance with the procedures prescribed in terms of the National Road Traffic Regulations, 2000.
- (6) The cost of such removal and custody and any other costs and expenses incurred in connection therewith shall be recovered from the person having control or being in charge of such motor vehicle, or the registered owner thereof.
- (7) The Municipality shall not be liable for any damage caused to any motor vehicle during the removal thereof or while is in the custody of the Municipality in terms of this section.
- (8) An authorised officer may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five meters, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

- (9) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality. A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.
- (10) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area, a vehicle which is advertised for sale or for rental

14. Repeal of by-laws

Any By-Laws which was previously applicable and related to Parking and Loading Management and are hereby repealed.

13. Short Title and Commencement

These By-laws shall be known as the Ga - Segonyana Local Municipality: Parking and Loading Management and takes effect on the date of publication thereof in the *Provincial Gazette*.



GA-SEGONYANA LOCAL MUNICIPALITY

BUILDING PLANS AND CONSTRUCTIONS BY-LAWS

Preamble

Ga-Segonyana Local Municipality, by virtue of the power vested in it by section 156(2) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

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1. Definitions

Chapter 2

2. Scope of By-Law

Chapter 3: Streets and pavements

3. Catheads, cranes and platforms
4. Slab footways and pavements
5. Plants on street verges
6. Street gutter bridges

Chapter 4 – Buildings

7. Encroachments.
8. Restriction on the erection of buildings within the one-in-fifty-year flood line.
9. Building Activities that require Approval
10. Construction of Unapproved Building Plans
11. Exemption from requiring Building Approval
12. Building Approval Requirements
13. Certificate of Occupancy
14. Penalties for construction of Unapproved Building Plans

Chapter 5: Building contravention and land use

15. Construction of shacks on Proclaimed Areas and Procedure Relating to the Termination of Unauthorized Informal Settlement.
16. Disposal of Building Material and Personal Property
17. Relay of storm-water from high-lying erven to lower-lying erven
18. Enclosures
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20. Connection to sewer
21. Disconnection of Drainage Installation, Conservancy and Septic Tank
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- 32. Permission to Discharge Industrial Effluents
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- 42. Sprinkler Systems
- 43. Header Tanks and duplicate Supply from Mains

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- 44. Notices

Chapter 10: Offences and penalties

- 45. Offences and Penalties

Chapter 11: General

- 46. Repeal of the by – Law
- 47. Short Title of by – Law

Schedule 1 – Conditions which enclosures must comply**Schedule 2 – Limits of concentration of certain substances****CHAPTER 1****DEFINITIONS**

1. In this By-Law all words and phrases, except the words and phrases defined in this By-Law, 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;

"Approved" means approved 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 has contracted to supply water;
- (b) a person who has entered into a contract with the Municipality for the supply of water; or (c) a person who lawfully obtains water 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 anti-siphonage 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, anti-siphonage pipe, soil-water fitting, wastewater 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 Storm-water;

"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 Municipality of Ga-Segonyana established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee.

"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 plot of land, stand, lot, plot or other area or as a portion or a subdivision portion of such plot of land, 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 soil-water 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 soil water;

"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;

"Storm-water" 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 80B 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 storm-water;

"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.

CHAPTER 2: SCOPE OF BY-LAW

- (1) This By-Law are supplementary to 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 this By-Law.

- (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.

CHAPTER 3

STREETS AND PAVEMENTS CATHEADS, CRANES AND PLATFORMS

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

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 cross fall determined by the Municipality and must meet the following further requirements:
 - (a) For ordinary paving or slabs the minimum cross fall is 1:100 and the maximum cross fall 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 cross fall is between 1:25 and 1:15, provided that the cross fall 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.

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, with 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).

Street gutter bridges

6. No person may without the express permission of the Municipality, bridge over or enclose any gutter or Storm-water drain that is under the control of the Municipality.

CHAPTER 4**BUILDINGS****Encroachments**

7. With the consent of the Municipality: -
 - (1) 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;
 - (2) 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;
 - (3) 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
 - (4) a projection from any eaves may exceed a street boundary or building line.

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 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 Storm-water 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.

Building activities that need approval from the municipality

9. No person shall undertake the following building activities without the approval of the Municipality: -
 - (1) constructing a new building or other structures such as sheds, towers, temporary structures, extending existing buildings
 - (2) undertaking alterations to an existing building including structural alterations, altering internal walls and partitions,
 - (3) installation of new or altering existing services such as electrical or hydraulic works

- (4) demolishing or removing buildings, engineering works or services, installing signs, antennas, some fences

Construction of unapproved building plans

- 10 (1) Any proposed use or development on the plot of land requires the approval of the Municipality. This includes any construction or demolition of a building, carrying out of any internal alterations to an existing building, or the carrying out of works on the plot of land.
- (2) The Municipality is responsible for the following: -
 - (a) processing and approving building plans submitted by individuals, the private sector, associations and Government Agencies;
 - (b) inspect building constructions from time to time and declare the building fit for occupation upon its completion;
 - (c) Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action.
 - (d) Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on.
 - (e) Issue enclosures for erection of buildings such as stalls, temples and placement of building materials within public areas.
 - (f) to assess land use and development proposals against the requirements of the Land Use Plan.

- (3) No application will be assessed until all relevant plans, specifications, documents and supporting information is submitted and the appropriate application fee is paid.
- (4) Upon receipt of an application, the Municipality will first check that the application submission requirements have been met. Once the Municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan. The application will then be referred to relevant referral authorities.
- (5) Where appropriate, the comments/requirements of referral authorities may be addressed via conditions on the planning permit issued by Municipality
- (6) Once authorities have commented on the application, the Municipality will prepare a report and make recommendations on the proposal for consideration and where it is appropriate this will include additional conditions that address the requirements of authorities.
- (7) Subject to Municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development.
- (8) The Municipality shall not approve a building plan which is not consistent with the approved Master Plan.
- (9) Once the Municipality has granted planning approval, a building approval must be obtained from the Municipality.

Exemptions from requiring building approval

11. No formal building approval will be required for minor works which includes minor painting, minor landscaping, minor repair and maintenance and or any other works that the Municipality deems to be minor.

Building approval requirements

- 12 (1) All applications for building approval must be lodged with the responsible Municipality official;
- (2) All applications for building approval must be submitted on a prescribed application form together with appropriate drawings and payment of the application fee which is based on the cost of works.
- (3) Prior to the building approval being issued, consent for the works must be issued by Municipality.

Certificates of occupancy

- 13 (1) No building shall be occupied or used until a Certificate of Occupancy has been obtained from the Municipality.
- (2) The owner of the building shall apply for a Certificate of Occupancy within fourteen (14) days of taking ownership of the building or completion thereof;
- (3) The Certificate of Occupancy shall stipulate the type of building for which it is issued;
- (4) No deposit for water and or electricity will be accepted for a newly built property without the Certificate of Occupancy.

**Penalties for construction of unapproved building plans,
occupancy and alterations of existing buildings**

14. (1) Any person who contravenes this By – Law is guilty of an offence punishable by a fine or imprisonment.
- (2) Any fine or term of imprisonment shall be in accordance with the provisions of the National Building Regulations and Building Standards Act 103 Of 1977.

CHAPTER 5

BUILDING CONTRAVENTIONS AND LAND USE

**Construction of shacks on proclaimed areas and procedures relating to the
termination of unauthorised informal settlements**

15. (1) No person shall build or cause to be built shacks or similar structures for purposes of establishing an informal settlement on Municipal land,
- (2) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Municipal Manager must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorised informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.
- (3) The written notice contemplated in subsection (2) must: -
- (a) notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

- (b) request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorised informal settlement within a period of twenty (24) hours after receipt of the written notice.
- (4) If the residents notified in terms of subsection (2) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Municipal Manager must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorised informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- (5) If the residents notified in terms of subsection (2) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorised informal settlement, the Municipal Manager must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (6).
- (6) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Municipal Manager must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorised informal settlement.
- (7) The Municipal Manager must, within a period of 24 hours after obtaining the eviction order referred to in subsection (6), deploy the Land Invasion Reaction Unit or similar Unit to execute the eviction order and to terminate the unauthorised informal settlement by: -

- (a) evicting the residents of the unauthorised informal settlement;
- (b) demolishing and removing all shacks and removing all building materials and other personal property from the unauthorised informal settlement; and
- (c) disposing of the building materials and other personal property in accordance with the provisions of these by-laws.

Disposal of building materials and personal property

- 16 (1) In the execution of the provisions of section 15(7), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorised informal settlement must be removed and stored in a safe place by the Municipality.
- (2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Manager Engineering Services, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that:-
- (a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and
 - (b) any building materials or other personal property which is, in the opinion of the Municipality, valueless and unable to realise any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed.

- (3) The Municipality must compile and maintain a register in which is recorded and appears: –
- (a) particulars of all building materials or other personal property removed and stored in terms of this By-Law;
 - (b) the date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and
 - (c)
 - (i) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
 - (ii) full details of the amount realised on the sale of building materials or other personal property in terms of subsection (2) and the date of the sale; and
 - (iii) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Manager Engineering Services to the effect that the building materials or personal property was valueless.
 - (4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorised informal settlement or any other person for any reason whatsoever.

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

- 17 (1) If, in the opinion of the Municipality, it is impracticable for Storm-water to be drained from a high-lying plot of land direct to a public street, the owner of a lower-lying plot of land is obliged to accept and permit the passage of such Storm-water over the lower-lying plot of land.

- (2) The owner of such high-lying plot of land from which Storm-water is discharged over the lower-lying plot of land is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying plot of land may find necessary to construct for the purpose of conducting the Storm-water so discharged.

Enclosures

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

Roofs

19. (1) Sheet metal that is used for a roof and that is visible from a street or a surrounding plot of land must be properly painted within 15 months after construction thereof if the Municipality so requires.
- (2) No roof surface may have a luminous finish.

CHAPTER 6

SEWERAGE CONNECTION TO WATER

20. (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.
- (2) The Municipality may, where it considers necessary or expedient to do so, 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.

- (3) Subject to the provisions of subsection (4), 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.
- (4) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be affected at the owner's expense.
- (5) 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.
- (6) 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.
- (7) 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.

Disconnection of drainage installations and conservancy and septic tanks

21. (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.

- (2) 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.
- (3) 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 having 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 Municipality, any such charges will continue to be raised.
- (4) 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.
- (5) 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 this By – Law is guilty of an offence under this By-Law.

- (6) 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 plot of land, 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.

Drainage work that does not meet the requirements

- 22 (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 this By-Law, 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-Law, 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 this By-Law –

- (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 this By-Law; 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 empowered by this By-Law to recover the cost of such work from any 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.

Maintenance

23. 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.

Drain and sewer blockages

- 24 (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.

- (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.
- (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.

Interference with or damage to sewers and water care works

- 25. 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 this By-Law 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 noncompliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

Entry onto premises

- 26 (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 this By-Law 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.

Manholes on municipal property

- 27 (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.

- (2) The owner of such private premises must, if so required by the Municipality 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.

Mechanical food-waste and other disposal units

- 28 (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 owner or occupier referred to in sub – section (2) will be liable for the charges as prescribed in the tariff in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

CHAPTER 7

PREVENTION OF WATER POLLUTION

Sewage and other pollutants not to enter storm-water drains

- 29 (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, Storm-water 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, storm water 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.

Storm-water not to enter sewers

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

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

31. No person may discharge water from a fountain, borehole, well, reservoir or swimming pool situated on private premises into a drainage installation without 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.

Permission to discharge industrial effluent

- 32 (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 on 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 (4) 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 (4) 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 unauthorized 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 sub - section 1 the Municipality is 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 this By-Law 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.

Control of industrial effluent

- 33 (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 this By-Law, 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 this By-Law, 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 pre-treatment 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 (SABS), 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.

Metering and assessment of the volume and composition of industrial effluent

- 34 (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.
- (2) any person who bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device is guilty of an offence,
- (3) 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 into a sewer;
- (4) 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.

- (5) 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 this By-Law.

Prohibited discharges

- 35 (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, bitumen or asphalt;
- (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, 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: -
 - (a) damage the sewer or any mechanical appliance, water care works or equipment;
 - (b) prejudice the use of sewage for re-use; or
 - (c) adversely affect any water into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
 - (d) contains any substance whatsoever which, in the opinion of the Municipality: -

- (iii) 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;
- (iv) 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
- (v) whether listed in Schedule II or not, either alone or in combination with other matter may: –
 - (a) 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;
 - (b) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (c) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.
- (2) Any person who receives from an officer duly authorised thereto by the Municipality a written Notice instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) must immediately stop such discharge.
- (3) Any person who contravenes the provisions of sub - section (1) or who fails to comply with a written Notice issued in terms of sub - section (2) is guilty of an offence.

- (4) Notwithstanding the provisions of sub - section (3), if any person fails to comply with the terms of the Notice served on him or her in terms of sub – section (2) 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 this By-Law.
- (5) 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.

CHAPTER 8

WATER

Connection from main

- 36 (1) Any connection 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 connection 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.

Valves in connection pipes

37 Every connection 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 connection pipe; and
- (d) must be in such position as may be determined by the Municipality.

Additions to fire extinguishing system

38. 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.

Extension of fire extinguishing system to other premises

- 39
- (1) No extension or connection may be made from the fire extinguishing system of one premises to any other premises.
 - (2) 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.

Inspection and approval of fire extinguishing services

40. 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 this By-Law; and
- (b) the work in connection with the system has been carried out to the satisfaction of the Municipality.

Connections to be to the satisfaction of the municipality

- 41 (1) Any connection to a main in respect of a fire extinguishing service must be affected to the satisfaction of the Municipality
- (2) The Municipality is entitled to disconnect any fire extinguishing service if such connection does not comply with this By – Law.

Installation of reflux valves

42. 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.

Sprinkler systems

- 43 (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.

Header tanks and duplicate supply from main

44. 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.

CHAPTER 9

NOTICES

- 45 (1) Every notice, order or other document issued or served by the Municipality in terms of this By-Law 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 this By-Law 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 this By-Law, 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.

CHAPTER 10

OFFENCES AND PENALTIES

- 46 (1) Notwithstanding any provision of this By-Law in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of this By-Law commits an offence and is on conviction liable to a fine not exceeding R100 000-00(one hundred thousand) or imprisonment not exceeding ten (10) years.
- (2) Any person who is found to have built a building or structure contrary to this by-law may be given a notice to demolish such structure;
- (3) In the event that the person referred to 46 (2) fails to adhere to the above referred to notice, the Municipality may approach a court for an order of demolition;
- (4) 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 sub - section 1.

CHAPTER 11

GENERAL

Repeal of by-laws

47. Any By-Laws which was previously applicable and related to by-laws on Building Plans and Constructions By-Law are hereby repealed.

Short title

48. These by-laws are called the Ga-Segonyane Local Municipality Building Plans and Constructions By-laws and their provisions come into operation on a date fixed by proclamation in the Government Gazette.

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 a plot of land 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.
 - (v)
 - (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 plot of land:
- (a) All surfaces of the enclosure that front on an adjacent plot of land must -
 - (i) be skilfully 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

- 1. 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 plot of land;
 - (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 mg/l;
 - (vii) formaldehyde (expressed as CH₂O): 50 mg/l;
 - (viii) phenolic compounds: 1, 0 mg/l;
 - (ix) non-organic solids in suspension: 100 mg/l;
 - (x) chemical oxygen demand (COD): 5 000 mg/l;
 - (xi) all sugars and/or starches (expressed as glucose): 1 500 mg/l;
 - (xii) available chlorine (expressed as Cl): 100 mg/l;
 - (xiii) sulphates and sulphites (expressed as SO₄): 1 800 mg/l;
 - (xiv) fluorine-containing compounds (expressed as F): 5 mg/l;
 - (xv) anionic surface activators: 500 mg/l; and
 - (xvi) orthophosphates (expressed as P): 10 mg/l.
 - (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/l, nor may the concentration of any individual metal in any sample exceed 5 mg/l:

- (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/l, nor may the concentration of any individual metal in any sample exceed 20 mg/l:

- (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/l:

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

(c) RADIOACTIVE WASTE

1. 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.



GA-SEGONYANA LOCAL MUNICIPALITY

SEWAGE DISPOSAL BY- LAWS

Preamble

Ga - Segonyane Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Chapter 1: Interpretation

1. Definitions
2. Interpretation of By-law
3. Objects of By-law
4. Application of By-law

Chapter 2: General provisions

5. Provision of services to trade premises
6. Objectionable discharge

Chapter 3: Use of sewage disposal system

- 7. Agreement to provide services
- 8. Application for use of sewage disposal system
- 9. Special agreements for disposal of sewage
- 10. Termination of agreement
- 11. Provision of connecting sewer
- 12. Acceptance of sewage delivered by road haulage

Chapter 4 : Levels of supply: households and informal settlements

- 13. Levels of supply of sanitation to households
- 14. Sanitation of informal settlements

Chapter 5 : Drainage installation

- 15. Drains in streets or public places
- 16. Construction by Municipality on private premises
- 17. Maintenance of drainage installation
- 18. Installation of pre-treatment facility
- 19. Protection from ingress of floodwaters

Chapter 6 : Developments

- 20. Sewage disposal in sectional title developments
- 21. Sewage disposal to mini-sub developments

Chapter 7: Privately-owned sewage disposal systems

- 22. Septic tanks
- 23. Conservancy tanks
- 24. Privately-owned sewage treatment plant

Chapter 8: Trade effluent

- 25. Permission to discharge trade effluent

Chapter 9: Payment for services

- 26. Payment for use of sewage disposal system
- 27. Trade effluent charge when sewage rates applied
- 28. Trade effluent charges
- 29. Sewage disposal charge when tariff rates applied
- 30. Trade effluent charge when tariff rates applied
- 31. Volume of standard domestic effluent determined for payment purposes
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- 34. Payment of deposit
- 35. Reduction of amount payable if water wasted or leakage undetected
- 36. Amendments to amount payable
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Chapter 10: Protection of sewage disposal system

- 38. Trespassing on sewage disposal system
- 39. Interference with sewage disposal system
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- 41. Consequential maintenance of sewers
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- 43. Work by private persons

Chapter 11: Enforcement

- 44. Entry by authorised official
- 45. Powers of authorised officials
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- 47. Indemnity

- 48. Lawful instructions
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- 50. Offences

Chapter 12: Miscellaneous provisions

- 52. Delegations
- 53. Appeals
- 54. Repeal of laws and savings
- 55. Short title and commencement

Schedule A: Acceptance of trade effluent for discharge into the sewage disposal system

CHAPTER 1

INTERPRETATION

Definitions

1. In this By-law, unless the context indicates otherwise, any word or expression used has the meaning ascribed to it by the National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977), and—
 - “**approved**” means approved by an authorised official;
 - “**authorised official**” means a person authorised to implement the provisions of this By-law, including but not limited to—
 - (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
 - (b) municipal police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and
 - (c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and

seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost deemed to be acceptable to society by the Municipality, in the long term as well as in the short term;

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water

“chemical toilet” means a toilet which uses chemicals to deodorize waste instead of storing it in a hole or piping it away to a sewage treatment plant where the effluent is fit to be disposed of at a municipal wastewater treatment works through a discharge point designed at the facility;

“connecting point” means the point at which a drainage installation joins a connecting sewer;

“connecting sewer” means a pipe owned and installed by the Municipality for the purpose of conveying sewage from a drainage installation on a premises to a sewer– (a) beyond the boundary of those premises; (b) within a servitude area; or (c) within an area covered by a wayleave or by agreement;

“conservancy tank” means a sealed tank that contains and stores sewage from premises and is required to be emptied on a regular basis;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Council” means the Ga - Segonyana Local Municipality Council a municipal council referred to in section 157(1) of the Constitution;

“customer” means– (a) a person who is supplied with water by the Municipality; and (b) where water is supplied through a single water meter to a number of persons, the person to whom the Municipality has agreed to supply water;

“drain” means that portion of the drainage installation which conveys sewage within any premises;

“drainage installation” means a system which is used for, or intended to be used for or in connection with, the reception, storage, treatment or conveyance of sewage on any premises to the connecting point and includes

- (a) drains;
- (b) fittings;
- (c) appliances;
- (d) septic tanks;
- (e) conservancy tanks;
- (f) pit latrines; and
- (g) private pumping installations forming part of, or ancillary to, such systems;

“duly qualified sampler” means a person who has been certified by a suitably competent municipal employee to take samples for analysis from the sewage systems, the stormwater disposal systems and from public waters;

“environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to a damaging incident; **“environmental impact assessment”** means the process of identifying and evaluating the effects of development proposals on the environment before decisions and commitments are made toward that development;

“high strength sewage” means sewage with a strength or quality greater than standard domestic effluent;

“French drain” means a trench filled with suitable material which is used for the disposal of– (a) liquid effluent from a septic tank; or (b) wastewater;

“metering period” means the time interval between successive meter readings;

“Municipal Manager” means a person appointed in terms of section 54A of the Municipal Systems Act;

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

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

“National Water Act” means the National Water Act, 1998 (Act 36 of 1998);

“occupier” means—

- (a) any person, including the owner, in actual occupation of premises regardless of the title under which he or she occupies those premises, if any; and
- (b) in the case of premises let to more than one tenant, the person who receives the rent payable by the tenants, whether for his or her own account or as an agent for a person entitled to the rent;

“on-site privately-owned sewage disposal system” means either a septic tank, a conservancy tank system or a low-volume sewage treatment plant owned by the owner of the premises on which it is situated;

“owner” means—

- (a) the person who is the registered owner of the premises in the relevant Deeds Office;
- (b) where the registered owner of the premises is insolvent or dead or is under any form of legal disability whatsoever, the person in whom the administration and control of his or her property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings on the premises;
- (d) where the premises concerned have been leased for a period of 30 years or longer, the lessee of the premises; or
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986) as common property, the developer or the body corporate in respect of the common property; or

- (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of a person;

“person” means any natural person, juristic person, voluntary association or the trustees of any trust;

“premises” means any piece of land, with or without any building or structure thereon where—

- (a) the external surface boundaries of which are delineated on—
 - (i) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937; or
 - (ii) a sectional plan registered in terms of the Section Titles Act, 1986 (Act No. 95 of 1986);
- (b) a municipal service is rendered on land which is not specified on a plan, and a portion of such land which is not so delineated but which is connected to the sewage system or is capable of being so connected;

“prescribed” means as determined by resolution of the Council from time to time;

“public water” means any river, watercourse, bay, estuary, and any other water which the public has a right to use or to which the public has the right of access;

“septic tank” means a tank designed to receive and retain sewage for such a time and in such a manner as to ensure adequate decomposition;

“sewage” means waste water, trade effluent, standard domestic effluent and other liquid waste, either separately or in combination, but excludes storm water;

“sewage disposal system” means the structures, pipes, valves, pumps, meters or other associated items used in—

- (a) conveying sewage through the sewer reticulation system;
- (b) treating sewage at the treatment works under the control of the Municipality; and
- (c) the disposal of sewage;

“sewer” means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for conveying sewage from the connecting sewer, but excludes any drain;

“standard domestic effluent” means domestic effluent which meets strength characteristics relating to chemical oxygen demand and settleable solids as prescribed by the Municipality from time to time as being appropriate to sewage discharges from domestic premises, but excludes trade effluent;

“stormwater” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

“trade effluent” means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial, trade, manufacturing, mining or chemical process or any laboratory research or agricultural activity, and includes any liquid other than standard domestic effluent or stormwater;

“trade premises” means premises upon which trade effluent is produced;

“urine diversion toilet” means a toilet which—

- (a) separates urine and faecal matter through the use of a special pedestal and separate urinal to divert urine to soak away in order that only faecal matter collects in the pit; and
- (b) consists of—
 - (i) two pits;
 - (ii) a cover slab;
 - (iii) a superstructure; and
 - (iv) a vent pipe to each pit;

“VIP” means a ventilated improved pit latrine;

“Water Services Act” means the Water Services Act, 1997 (Act 108 of 1997);

“working day” means a day other than a Saturday, Sunday or public holiday.

Interpretation of By-law

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

Objects of By-law

3. The object of this By-law is to regulate sewage disposal in a manner which—
 - (a) progressively ensures efficient, affordable, economical and sustainable access to sanitation and sewage services;
 - (b) regulates the duty of customers to pay for sanitation and sewage services;
 - (c) provides various measures to assist those who are economically unable to meet normal service charges; and
 - (d) complies with the Water Services Act.

4. Application of By-law

This By-law applies to all areas which fall under the jurisdiction of the Ga - Segonyana Local Municipality and is binding on all persons to the extent applicable.

CHAPTER 2 GENERAL PROVISIONS

5. Provision of services to trade premises

A person who wants to construct or cause to be constructed any building or development must, when undertaking an Environmental Impact Assessment,

ensure that provision is made for the treatment and disposal of domestic sewage, trade effluent and stormwater.

6. Objectionable discharge

- (1) A person may not cause or permit, whether wilfully or negligently, any solid, liquid or gaseous substance other than stormwater to enter any:-
 - (a) stormwater drain, stormwater sewer or excavated or constructed watercourse;
 - (b) river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act, 1998 (Act No. 36 of 1998);
 - (c) street; or
 - (d) premises.
- (2) The Municipality may prescribe the minimum standards and criteria dealing with the discharge of sewage or any substance into the sewage disposal system.
- (3) A person may not discharge or permit the discharge or entry into the sewage disposal system of any sewage or other substance:-
 - (a) which does not comply with the standards and criteria prescribed by the Municipality;
 - (b) which—
 - (i) is offensive;
 - (ii) has an odour;
 - (iii) has fats;
 - (iv) has excessive foam; or
 - (v) has colour dyes, and may cause an obstruction or public health nuisance in the inflow of any treatment works;
 - (c) which contains any substance in such concentration as will produce or is likely to produce any offensive or otherwise undesirable taste, colour, odour, obstruction or any foam in the final treated effluent—

- (i) at any treatment works; or
 - (ii) in any public water;
 - (d) which may prejudice the re-use of treated sewage or adversely affect any of the processes by which sewage is purified for re-use or treated to produce sludge for disposal;
 - (e) which contains any substance or thing which:-
 - (i) is not amenable to treatment to a satisfactory degree at a treatment works; or
 - (ii) causes or is likely to cause a breakdown, pass-through or inhibition of the treatment processes in use at such works;
 - (f) which may:-
 - (i) cause danger to the health or safety of any person;
 - (ii) be injurious to the structure or materials of the sewage disposal system; or
 - (iii) prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with any permission issued in terms of this By-law; or
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (4) No trade effluent may be allowed to enter a septic tank or a French drain.
- (5) A person may not cause or permit any stormwater to enter the sewage disposal system.
- (6) An authorised official may, by written notice, order the owner or occupier of any premises to conduct, at his or her own cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this By-law and to report such findings to an authorised official.
- (7) An authorised official may by written notice order the owner or occupier of any premises to execute, at his or her own cost, any precautionary

measures required by the Municipality to prevent any contravention of the provisions of this By-law.

- (8) An authorised official may, by written notice, order a person who breaches this By-law or condition imposed in terms of this By-law to remedy such breach within a period specified in the notice at the persons own cost.
- (9) If any person contravenes any provision of subsection (1) or (3), he or she must within 24 hours advise an authorised official of the details of the contravention and the reasons for it.

CHAPTER 3

USE OF SEWAGE DISPOSAL SYSTEM

7. Agreement to provide services

Subject to any applicable law an authorised official may enter into an agreement with any person on behalf of the Municipality to provide a sewage disposal service.

8. Application for use of sewage disposal system

- (1) A person wishing to use the sewage disposal system must make application to the Municipality in the form required, accompanied by such information as the Municipality may require from time to time.
- (2) An application for the use of the sewage disposal system which has been granted by the Municipality constitutes an agreement between the Municipality and the customer.
- (3) The owner is liable for all the prescribed fees in respect of the use of the sewage disposal system granted to him or her until the agreement between the Municipality and the owner is terminated.

- (4) Where premises have been connected to the sewage disposal system, or are reasonably capable of being so connected, it must be deemed for the purpose of this By-law that an agreement in terms of subsection (1) exists.

9. Special agreements for disposal of sewage

- (1) The Municipality may enter into a special agreement for the disposal of sewage with a person:-
 - (a) inside the area of jurisdiction of the Municipality, if the disposal necessitates the imposition of conditions not contained in this By-law; or
 - (b) outside the area of jurisdiction of the Municipality.
- (2) A special agreement must be subject to any resolution passed by an authorised official.
- (3) If the Municipality, in terms of a special agreement, provides a means of disposal of sewage to a person outside the area of jurisdiction of the Municipality, it may permit him or her to accept sewage for eventual disposal by the Municipality from other persons outside the area of jurisdiction of the Municipality, subject to such conditions as the Municipality deems fit.

10. Termination of agreement

A person may terminate an agreement referred to in section 8 or 9 by giving the Municipality not less than five working days' notice in writing of his or her intention to do so: Provided that the authorised official is satisfied with the manner in which sewage arising from the premises will be disposed of on the termination of the contract.

11. Provision of connecting sewer

- (1) In the event that:-
 - (a) an agreement for the use of the sewage disposal system in accordance with section 8 or 9 exists; and
 - (b) no connecting sewer exists in respect of the premises, the owner or his or her agent must immediately make application on the prescribed form and pay the prescribed charge for the installation of a connecting sewer.
- (2.) If an application is made for use of the sewage disposal system for premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.
- (3) An authorised official may agree, at the request of any person and subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises: Provided that the applicant must be responsible for—
 - (a) any extension of the drainage installation to the connecting point designated by an authorised official; and
 - (b) obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) A connecting sewer provided and installed by the Municipality must—
 - (a) be located in a position determined by an authorised official;
 - (b) terminate—
 - (i) at a connection point approximately one metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right; or

- (ii) when subsection (3) applies, at the connecting point designated in terms of that subsection; and
 - (c) be of a size determined by an authorised official.
- (5) An owner or his or her agent must pay the connection charge prescribed by the Council.
- (6) Where an owner or his or her agent is required to provide a sewage lift as contemplated in the National Building Regulations, the rate and time of discharge into the sewer are subject to the approval of an authorised official.

12. Acceptance of sewage delivered by road haulage

- (1) An authorised official may, and subject to such conditions as he or she may specify, accept sewage for disposal delivered by road haulage to a specified treatment works facility of the Municipality.
- (2)
 - (a) A person may not discharge sewage into the facilities of the Municipality by road haulage, except with and in terms of the written permission of an authorised official.
 - (b) The charges for any sewage delivered for disposal to any Municipal facility must be assessed by an authorised official in accordance with the charges prescribed from time to time in terms of section 28.
- (3) When delivery is by road haulage, the:-
 - (a) time of delivery must be arranged with an authorised official; and
 - (b) nature and composition of the sewage must be established to the satisfaction of an authorised official prior to the discharge thereof, provided that a person may not deliver sewage which does not comply with the standards laid down in accordance with this By-law.

- (4) An authorised official may withdraw any permission to discharge sewage delivered: Provided that 14 days written notice is given to the permit holder, if the permit holder: -
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in this By - Law, as applicable, or in the permit;
 - (b) fails or refuses to comply with any notice lawfully served on him or her in accordance with this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her; or
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

CHAPTER 4

LEVELS OF SUPPLY: HOUSEHOLDS AND INFORMAL SETTLEMENTS

13. Levels of supply of sanitation to households

- (1) The sanitation provided to domestic households must be in the form of one of the following methods: -
- (a) a privately-owned urine diversion toilet;
 - (b) if a municipal waterborne sewerage reticulation system is available, connection to such system; or
 - (c) if a municipal waterborne sewerage reticulation system is not available, it must be connected to an on-site privately-owned sewage disposal system.
- (2) (a) The sanitation must match the available water supply to the premises concerned.
- (b) Where:-

- (i) water supply to a household is limited to 300 litres per day via a ground tank or yard tap, sanitation must be provided in the form of a urine diversion toilet or an alternative approved by an authorised official; and
 - (ii) either a semi-pressure supply or a full pressure water supply is provided by the Municipality, sanitation must be provided in the form of the municipal waterborne sewerage reticulation system or an on-site privately-owned sewage disposal system.
- (3) (a) The Municipality may prescribe that a particular sanitation method must be applied in a particular area.
- (b) Any form of sanitation other than that prescribed for an area as contemplated in paragraph (a) may be used only with the permission of an authorised official: Provided that the: -
 - (i) sanitation method matches the level of available water supply;
 - (ii) sanitation method is implemented by the householder; and
 - (iii) water supply system is able to sustain the level of water demand.
- (4) The following sanitation methods for domestic households are not permitted without an authorised official's consent, which may only be granted under exceptional circumstances:
 - (a) night soil pail;
 - (b) a simple, unimproved pit latrine; and
 - (c) a conventional VIP or chemical toilet.

14. Sanitation of informal settlements

- (1) Sanitation to informal settlements must be provided by means of either:-

- (a) an ablution block connected to the municipal waterborne sewerage reticulation system; or
 - (b) a toilet block where no connection to the municipal waterborne sewerage reticulation system is available: Provided that each toilet must be equipped with its own VIP pit which must be emptied as and when required.
- (2) The minimum level of access to sanitation provided in informal settlements must be an ablution block or toilet block within 200 meters of every household.

CHAPTER 5

DRAINAGE INSTALLATION

15. Drains in streets or public places

- (1) A person may not, for the purpose of conveying sewage, construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of an authorised official and subject to such conditions as he or she may deem fit.
- (2) The Municipality may, by agreement with the owner of any premises, construct drains on those premises at the cost of the owner.
- (3) When agreeing with the owner of premises to construct drains on those premises, a term of the agreement must be that the owner will be liable for the full cost of construction as certified by an authorised official, either in advance or on demand.

16. Construction by Municipality on private premises

- (1) In the event that the owner or occupier of any premises fails to: -

- (a) provide a drainage installation and a sewer connection; or
 - (b) keep the drainage installation on those premises in proper working condition, the Municipality may itself carry out any necessary work on the premises, and recover the full cost thereof from the owner or occupier.
- (2) Any person who requests that a drainage installation be cleared by the Municipality is liable to pay the fee as prescribed.

17 Maintenance of drainage installation

- (1) An authorised official may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section of the installation and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

18 Installation of pre-treatment facility

- (1) Pre-treatment facilities must satisfy the requirements of the National Building Regulations and Building Standards Act, and must be provided in accordance with SANS 10400-P.
- (2) Where necessary an authorised official, in his or her discretion, may require that new premises be provided with such additional pre-treatment facility of a type specified by him or her prior to such premises being connected to the sewage disposal system. Protection from ingress of floodwaters.

CHAPTER 6

DEVELOPMENTS

20. Sewage disposal in sectional title developments

- (1) The developer of a new sectional title development must, at his, her or its own cost, construct an approved sewage reticulation system, including any pump-stations and rising mains, which is adequate to serve each household and any common areas as required.
- (2) Where the municipal waterborne sewage reticulation system is available to serve the development, the developer must at his, her or its own cost connect the internal sewage reticulation system to the municipal reticulation system.
- (3) Where the municipal waterborne sewage reticulation system is not available to serve the development, the developer must install a suitable on-site privately-owned sewage disposal system.

21. Sewage disposal to mini-sub developments

- (1) The developer of any new mini-sub development is required to construct, to the specifications of the Municipality, a sewage reticulation system, including any pump-stations and rising mains, to serve each freehold site and any common areas as required.
- (2) Where the municipal waterborne sewage reticulation is available to serve the development, the developer must connect the internal sewage reticulation system to the municipal reticulation system.
- (3) The Municipality may take over the reticulation, up to the connection point, at no cost to the Municipality once—
 - (a) the sewage reticulation system has been completed to the satisfaction of the Municipality; and
 - (b) a complete set of as-built drawings have been received from the developer.

- (4) Where the municipal waterborne sewage reticulation is not available to serve the development, the developer may investigate the provision of a suitable on-site privately owned sewage disposal system, subject to the home owner's association fulfilling its obligations as water services provider or water services intermediary.

CHAPTER 7

PRIVATELY-OWNED SEWAGE DISPOSAL SYSTEMS

22. Septic tanks

Septic tank systems must be designed in accordance with SANS 10400-P, or by a competent person as defined therein, to satisfy the requirements of Part P of the National Building Regulations and Building Standards Act.

23. Conservancy tanks

- (1) A conservancy tank may only be installed on premises with the prior permission of an authorised official, which will only be granted in exceptional circumstances.
- (2) If permission for a conservancy tank on premises is granted in areas where there is municipal waterborne sewerage, the following conditions apply:
- (a) the conservancy tank must: -
 - (i) satisfy the requirements set out in Part P of the National Building Regulations and Building Standards Act; and
 - (ii) be designed in accordance with SANS 10400-P, or by a competent person as defined therein;
 - (b) the scale of the proposed development must be limited;
 - (c) the authorised official must be satisfied that adequate arrangements have been made for the required emptying service; and

- (d) for a: -
 - (i) domestic application, the conservancy tank must have a minimum capacity of 7000 litres and a minimum retention capacity for seven days; and
 - (ii) non-residential application, the conservancy tank must have a minimum capacity sufficient to hold four days retention of the potential flow generated.

CHAPTER 8

TRADE EFFLUENT

25. Permission to discharge trade effluent

- (1) A person may not discharge, cause or permit to be discharged into the municipal sewage disposal system any trade effluent, except in terms of permission granted in accordance with—
 - (a) this By-law;
 - (b) any conditions relating to the permission granted; and
 - (c) any standards and criteria prescribed by an authorised official from time to time.
- (2) Any application for permission to discharge trade effluent into the sewage disposal system must be made in accordance with the requirements stipulated by an authorised official and against payment of the prescribed fee.
- (3) An authorised official may grant an applicant permission to discharge trade effluent into the municipal sewage disposal system if, in his or her opinion, there is sufficient capacity in the sewage disposal system to permit the—
 - (a) conveyance; effective treatment; and
 - (c) lawful disposal, of the additional trade effluent.
- (4) The person to whom permission has been granted in terms of this Chapter shall ensure that no trade effluent is discharged into the

sewage disposal system unless it complies with the standards and criteria set out in this By - Law.

- (5) In granting permission to discharge effluent into the municipal sewage disposal system, an authorised official may—
- (a) specify the duration of the permission;
 - (b) impose any conditions in addition to those which may be prescribed by an authorised official; and
 - (c) relax or vary the standards set up in Schedule A of this By - Law or any conditions prescribed by an authorised official if he or she is satisfied that any relaxation or variation is the best practicable environmental option considering the following factors: -
 - (i) whether the applicant's plant is operated and maintained at optimal levels;
 - (ii) whether the technology used by the applicant represents the best available technology to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (iii) whether the applicant is implementing a programme of waste minimisation which complies with waste minimisation or management standards prescribed in terms of applicable legislation;
 - (iv) the cost to the Municipality of granting the relaxation or variation; and
 - (v) the environmental impact, or potential impact, were the relaxation of variation to be granted and in doing so must apply a risk-averse and cautious approach.
- (6) A duly qualified sampler may take test samples at any time to ascertain whether the trade effluent complies with the provisions of this By-law and any standard or condition prescribed by the permit from time to time.

- (7) The authorised official may in the permit or at any time, by written notice, require a permit holder to:-
- (a) subject trade effluent to any preliminary treatment that, in the opinion of the authorised official, ensures that such effluent conforms with this By-law and any standard or condition prescribed by the authorised officer, and in Schedule “A” before being discharged into the municipal sewage disposal system;
 - (b) install equalising tanks, valves, pumps, appliances, meters and other equipment as, in the opinion of the authorised official, is necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed on the permit holder;
 - (c) install for the conveyance of his or her trade effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent, and may prohibit such permit holder from disposing of his or her—
 - (i) trade effluent at any other point; and
 - (ii) waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on any pipe conveying his or her trade effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the authorised official may require;
 - (e) provide all such information as may be required by the authorised official to enable him or her to assess the charges due to the Municipality in accordance with this Bylaw;
 - (f) provide adequate facilities to prevent a discharge into the sewage disposal system which is in contravention of the provisions of this By-law, including but not limited to level or overflow detection devices, standby equipment, overflow catch pits or other appropriate means;

- (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by the authorised official, and to forward copies of the calibration certificate to him or her; and
 - (h) cause his or her trade effluent to be analysed as often and in such manner as may be prescribed by the authorised official, and to provide the Municipality with returns of these tests when completed.
- (8) The owner or occupier of any premises must at his or her own cost install precautionary measures to prevent the contravention of any provision of this By-law as contemplated in any guidelines set out by the Municipality relating to the approval of building plans, which include but are not limited to the following:
 - (a) installing an impermeable containing structure or bund around all liquid containers with a volume not less than the volume of the largest liquid container therein;
 - (b) ensuring all containing structures are roofed with gutters to ensure that clean stormwater run-off is directed to the stormwater drainage system.
- (9) The authorised official may grant a relaxation of the requirements set out in subsection (8) if the permit holder applies for such relaxation in writing and is able to: -
 - (a) prove that there would be no increased risk to the environment; and
 - (b) demonstrate what other provisions he or she would put in place to minimise the risk.
- (10) In the event of failure or a faulty recording meter or other device, the volume must be assessed by such means as an authorised official may decide.

- (11) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in accordance with subsection (7) must be borne by the permit holder concerned.
- (12) A permit holder must obtain the written permission of the authorised official for any proposed changes to the composition of trade effluent discharged into the sewage disposal system.
- (13) If a permit holder discharges into the sewage disposal system any trade effluent which does not comply with the permit issued in respect of that process or premises, the permit holder or his or her agent must, within 12 hours of the discharge, notify an authorised official of the incident and the reasons for it.
- (14) The authorised official may withdraw any permission to discharge trade effluent into the sewage disposal system if the permit holder—
 - (a) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provisions of this By-law or any condition imposed on him or her in terms of any permission granted to him or her;
 - (b) fails to pay the assessed charges in respect of any trade effluent discharged; or
 - (c) fails to ensure trade effluent quality complies with Schedule “A”, :
Provided that the permit holder must be given 14 days written notice.
- (15) If the authorised official withdraws permission to discharge trade effluent, he or she may—
 - (a) in addition to any steps prescribed in this By-law, and on 14 days written notice served on the permit holder, authorise the closing or sealing of the connecting sewer of the premises concerned to any sewer for such charge as may be prescribed by the authorised official; and

- (c) in terms of some other means as prescribed by the authorised official.

- (2) Payment is due and payable on the due date stipulated in the account.

27. Trade effluent charge when sewage rates applied

When the charge for the use of the sewage disposal system is by means of sewage rates and a person holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of kilolitres per month, the permit holder is liable to charges in addition to that levied by means of sewage rates, calculated in accordance with section 28.

28. Trade effluent charges

The Municipality may prescribe trade effluent charges and amend such charges as it deems necessary.

29 Sewage disposal charge when tariff rates applied

When a charge for the use of the sewage disposal system is by means of prescribed tariff rates, charges for standard domestic effluent become payable by the customer when a premises—

- (a) is connected to the sewage disposal system or is reasonably capable of being so connected; or
- (b) receives a supply of water from the Municipality.

30. Trade effluent charge when tariff rates applied

- (1) A person who holds a permit for the discharge of trade effluent in excess of the prescribed minimum volume of kilolitres per month, is liable for a minimum charge per kilolitre of trade effluent which is equivalent to the charge for the disposal of standard domestic effluent.

- (2) In addition to the provisions of subsection (1), a permit holder who discharges a trade effluent with a strength or quality greater than standard domestic effluent is liable for an additional charge in respect of high strength sewage calculated in accordance with the provisions of section 28.

31. Volume of standard domestic effluent determined for payment purposes

- (1) The volume of standard domestic effluent must be determined—
 - (a) by a percentage of water supplied by the Municipality in accordance with any prescribed procedures;
 - (b) on an assessment made by the authorised official based on criteria such as the number of employees at a premises, the number of shifts worked, number of meals served and the like; or
 - (c) where premises are supplied with water from a source in addition to the water supply system of the Municipality, by river abstraction or partially or wholly by a borehole, on an assessment made by the authorised official based on such criteria as he or she deems relevant.
- (2) Notwithstanding the provisions of subsection (1)(a), where the authorised official is of the opinion that the percentage applicable in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, he or she may reduce the percentage applicable to those premises to a figure which, in his or her opinion and in the light of information then available, more realistically reflects the proportion between the likely volume of sewage discharged from the premises and the quantity of water supplied thereto.

32. Volume of trade effluent determined for payment purposes

- (1) The volume of trade effluent discharged into the sewage disposal system must be determined in the following ways:

- (a) where direct measurements of the volume of trade effluent discharged from a premises are made, such volume must be used for the purposes of calculating the amount payable;
- (b) where no direct measurement of the volume of trade effluent discharged from the premises are made, then the volume must be determined as a percentage of water supplied by the Municipality in accordance with procedures prescribed by the Municipality;
- (c) where premises are supplied with water from a source in addition to the Municipality's water supply system, by river abstraction or partially or wholly by a borehole, the volume must be assessed by the authorised official based on such criteria as he or she may deem relevant; and
- (d) where a portion of the water supplied to a permit holder forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the authorised official may, in his or her sole discretion, on application by the permit holder, reduce the assessed volume of trade effluent. Other charges

33 (1) Notwithstanding anything to the contrary contained in this By-law, the authorised official may prescribe and levy the following charges:

- (a) a charge payable by any person in respect of a minimum volume of sewage;
- (b) a charge payable by any person in the form of a general surcharge on the prescribed charges for use of the sewage disposal system in the event that there is any prohibition or restriction in the consumption or use of water;
- (c) a charge for the recovery of costs incurred by the Municipality for trade effluent control and monitoring of permit holders who dispose of trade effluent into the sewage disposal system;
- (d) a charge payable by a person who disposes of an objectionable discharge as referred to in section 6 for the recovery of full costs incurred by the Municipality in tracing the source of such

objectionable discharge and in remedying the effects thereof:
Provided that such full cost must include the environmental cost;

- (e) a charge payable by any person at–
 - (i) the applicable prescribed tariff rate; or
 - (ii) if no tariff has been prescribed, the full cost for any other service rendered or goods sold;
- (f) additional charges for any charges relating to water quality that may be levied by the national government;

- (g) a charge payable by any person who exceeds the discharge limits as set out in Schedules “A”; and
- (h) charges in respect of the estimated volume of storm water discharged into sewer by the owner of any premises where storm water infiltration into the sewerage reticulation has been found:
Provided that the volume of storm water entering the sewer system must be estimated by the authorised official.

- (2) No person must establish or operate an industry or a commercial undertaking, producing waste or water containing waste in an area zoned for residential purposes.

- 34**
- (1) The authorised official may require any person to deposit with the Municipality a sum of money representing the cost of sewage disposal charges which in his or her opinion would be incurred by the person during a period specified by the Municipality.
 - (2) A deposit contemplated in subsection (1) must accompany the application submitted in accordance with section 8 or subsection (1).
 - (3) A deposit paid in accordance with subsection (1) may not be regarded as being in payment or part payment of a current account due for the disposal of sewage.
 - (4) Subject to the Credit Control and Debt Collection By-law the Municipality may, by notice in writing, require the person concerned to increase the deposit by an amount specified in such notice.
 - (5) Subject to the Credit Control and Debt Collection By-law the Municipality may of its own accord, or at the request of a customer, reduce the

amount of a deposit or a guarantee required by him or her if the Municipality is satisfied that the reduction is justified by—

- (a) the present level of sewage disposal charges to the customer; or
- (b) a change in the circumstances pertaining to the assessment of the original amount of the deposit or guarantee.

35. Reduction of amount payable if water wasted or leakage undetected

- (1) A person is entitled to a reduction of the amount payable for the disposal of sewage in the event that the water meter readings upon which the charge is calculated include any period during which—

- (a) water was wasted; or
- (b) a leakage was undetected,

: Provided that the customer demonstrates to the satisfaction of the authorised official that the water was not discharged into the sewage disposal system.

- (2) The amount payable for the disposal of sewage may be reduced by an amount based on the volume of standard domestic effluent calculated from the volume of potable water lost through leakage or wastage during the leak period.

- (3) The leak period must be either the metering period immediately prior to the date of repair of the leak or the metering period during which the leak is repaired, whichever results in the greater reduction of the amount payable.

- (4) (a) The volume of lost water must be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time.

(b) If—

- (i) there is no previous consumption history existing; or
- (ii) the average consumption is not considered representative by the authorised official, the average water consumption is that amount

determined by him or her, after due consideration of all relevant information.

- (c) There may be no reduction of the amount payable as a result of a loss of water directly or indirectly caused by or resulting from—

- (i) subsidence or landship;
 - (ii) refilling of swimming or other pools or ponds, whether following leakage or otherwise;
 - (iii) the deliberate act of the person who has suffered such loss or any person acting on his or her behalf if such act results in loss of water; or
 - (iv) water installations that do not conform to any installation guidelines of the Municipality.
- Amendments to amount payable

36. If, for any reason, a person liable under this By-law is—

- (a) not charged at all; or
- (b) charged for sewage at a rate lower than that for which he or she is liable, he or she may not be absolved from payment, and must on demand remit all sums due to the Municipality, calculated in accordance with the provisions of this By-law. Amendments to prescribed charges

37. Where amendments to the prescribed tariff rates for disposal of sewage become operative on a date between meter readings, the customer must pay charges calculated on the same quantity of sewage as was disposed of in each period of 24 hours during the interval between meter readings.

CHAPTER 10

PROTECTION OF SEWAGE DISPOSAL SYSTEM

38. **Trespassing on sewage disposal system**

- (1) Except with the prior authority of the authorised official, a person may not enter—
 - (a) upon an area used for the purpose of the sewage disposal system which is enclosed by a fence or where entry is prohibited by notice boards; or
 - (b) a structure used by the Municipality in connection with its sewage disposal system.

39. Interference with sewage disposal system

Except with the prior authority of the authorised official, a person may not—

- (a) interfere or tamper with the sewage disposal system except under the provisions of section 43;
- (b) make a connection to the sewage disposal system except under the provisions of section 11; or
- (c) construct a building or raise or lower the ground level within an area that is subject to a sewer servitude.

40. Damage to sewage disposal system

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Municipality or over which it has a servitude or other right must, prior to commencement of such work, ascertain from the Municipality whether any part of the sewage disposal system is situated on the land.
- (3) If work, which in the opinion of the authorised official could damage or endanger the sewage disposal system, is to be performed or is being performed on land contemplated in subsection (2), or on land adjacent thereto, he or she may by notice in writing require the person concerned

not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

41. Consequential maintenance of sewers

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of this By-law or otherwise, the authorised official may: -

- (a) carry out such work, maintenance or repair as the authorised official considers necessary; or
- (b) remove the obstruction, at the expense of such person and recover from that person the full cost of doing so.

42. Obstruction of access to sewage disposal system

- (1) A person may not prevent or restrict access to the sewage disposal system.
- (2) In the event that a person contravenes the provisions of subsection (1), the authorised official may: -
 - (a) by written notice require the person to restore access at his or her own cost within a specified period; or
 - (b) if he or she is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the full cost of doing so from the person.

43. Work by private persons

- (1) The authorised person or his or her agents must lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's conditions of contract applicable to the work and the provisions contemplated in subsection (2).

- (2) If the authorised official elects to allow another person to lay a sewer or connecting sewer, the work must be done in accordance with the standards and procedures approved by the Municipality for such work, including the following provisions:
- (a) any person carrying out work must, prior to commencement of such work, lodge with the authorised official a written indemnity to the satisfaction of the authorised official, indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
 - (b) where a connection is to be made with any sewer, it must be made at a point indicated by the authorised official;
 - (c) whenever the surface of any street or road has been disturbed in the course of work, the restoration of the surface of the street or road must be undertaken solely by the Municipality at the expense of the person carrying out such work; and
 - (d) before disturbing the surface of any street or road, a deposit must be made with the Municipality which in the opinion of the authorised official is sufficient to cover the estimated cost of restoration: Provided that when the actual cost is greater or less than the amount deposited, any—
 - (i) excess must be recoverable from such person; or
 - (ii) balance must be refunded to him or her.
- (3) All work must be carried out in accordance with the requirements, and to the satisfaction of, the authorised official.

CHAPTER 11

ENFORCEMENT

44. Entry by authorised official

- (1) An authorised official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times or in an emergency at any time:-
 - (a) enter premises;
 - (b) request information;
 - (c) take samples; and
 - (d) make such inspection, examination and enquiry and carry out work, as he or she may deem necessary, and for those purposes operate any component of the drainage installation.
- (2) If an authorised official considers it necessary that work be performed to enable him or her to properly and effectively implement a function contemplated in subsection (1), he or she may—
 - (a) by written notice require the owner or occupier of the premises at his or her own cost to do specified work within a specified period; or
 - (b) if in his or her opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done, the cost of which must be recovered from the owner or occupier.
- (3) If the work contemplated in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is proved, the Municipality must bear the expense connected therewith together with that of restoring the premises to its former condition: Provided that in all other circumstances, the owner of the premises must bear such expense.
- (4) All health and safety and access control policies and procedures in place at a premise must be amended to prevent any delays in the carrying out of a person's responsibilities in terms of this By-law.
- (5) A person may not refuse access to, interfere with, hinder or obstruct an authorised official in the exercise of his or her powers in terms of the provisions of this By-law.

- (6) An authorised official must, when entering any premises, produce a valid identification document issued to him or her by the Municipality, to the owner or occupier.

45 Powers of authorised officials

An authorised official may, when entering any premises: -

- (a) inspect, monitor or investigate any part of those premises relating to the water system, sewage disposal system or other drainage system as well as where chemicals of any nature are handled, stored or disposed of;
- (b) question the owner or any occupier of the building;
- (c) take photos of the premises;
- (d) take samples;
- (e) seize pertinent evidence relating to water quality; or
- (f) do anything necessary to implement the provisions of this By-law.

46. Service of notices

- (1) Whenever a compliance notice is required to be served on a person in terms of the provisions of this By-law, it is deemed to have been effectively and sufficiently served on that person—
- (a) when it has been delivered to him or her personally;
 - (b) when it has been left at his or her place of residence, employment or business in the Republic of South Africa with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to his or her last known residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;
 - (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in

the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or

- (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a door, gate or in any other conspicuous place on the building.

(2) When a compliance notice is required to be served on a person by reason of his or her being or having been the owner or holding some other right in respect of immovable property–

- (a) it is not necessary to name him or her; and
- (b) he or she may be described as the owner or holder of such premises or other right, as the case may be.

47. Indemnity

The Municipality and any authorised official are not liable to any third party for any damage caused by anything lawfully done or omitted by the Municipality or any authorised official in carrying out any function or duty in terms of this By-law.

48. Lawful instructions

Failure to comply with a lawful request of an authorised official constitutes a contravention of this By-law.

49. Recovery of costs

If a person–

- (a) contravenes the provisions of this By-law or of any other By-law; or
- (b) fails or refuses to comply with a compliance notice issued in accordance with this By-law, such person is guilty of an offence and the Municipality may take any steps required in the compliance notice itself and recover the costs from such person: Provided that such liability is in addition to any fine which may be imposed by court.

50. Offences

A person who—

- (a) contravenes any provision of this By-law;
- (b) fails or refuses to comply with a compliance notice issued to him or her;
- (c) fails to comply with any lawful instruction given in accordance with this By-law;
- (d) contravenes any conditions imposed in the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of this By-law;
- (e) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or
- (f) deliberately furnishes false or misleading information to an authorised official, is guilty of an offence.

51. Penalties

- (1) Any person who is convicted of an offence under this By-law shall be liable to a fine of an amount not exceeding R300 000-00 or to imprisonment for a period not exceeding three years, or to both such fine and imprisonment.
- (2) Failure to comply with the terms of this By-law or any terms of any condition or notice shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each hour during which he or she fails to comply with such terms.

- (3) A person who commits an offence stated in subsection (1) or (2) shall be liable, in addition to the penalties prescribed in this By-law and any other law, to such charges as an authorised officer may assess as the full cost including the environmental cost incurred by the Municipality as a result of that offence.

CHAPTER 12 MISCELLANEOUS PROVISIONS

52. Delegations

- (1) Subject to the Constitution and applicable national and provincial laws, any:-
- (a) power, excluding a power referred to in section 160(2) of the Constitution;
 - (b) function; or
 - (c) duty, conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.
- (2) The delegation in accordance with subsection (1) must be effected in accordance with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—
- (a) entity or person issuing the delegation or sub-delegation;
 - (b) recipient of the delegation or sub-delegation; and

- (c) conditions attached to the delegation or sub-delegation.

53. Appeals

- (1) A person whose rights are affected by a decision taken by an authorised official in terms of this By-law may appeal against that decision in terms of the appeals provision contained in Section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority.
- (3) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.
- (4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.
- (5) The appeal authority must furnish written reasons for its decision on all appeal matters.
- (6) All appeals lodged are done so in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

REPEAL OF BY-LAWS

- 54.** The following by-laws are hereby repealed:

- (a) Any By-Laws which was previously applicable and related to by-laws on Sewage Disposal are hereby repealed.

55. Short title and commencement

This By-law shall be known as the Ga - Segonyana Local Municipality: Sewage Disposal By-law and takes effect on the date of publication thereof in the *Provincial Gazette*.

SCHEDULE A

ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM

No trade effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

All analyses must be undertaken by a laboratory accredited by an authority recognised by the Municipality using methods applicable for the given matrix, suitable detection limits and ranges.

The effluent shall not contain concentrations of substances in excess of those stated below – Large Works” general quality limits are applicable when an industry’s effluent discharges in a catchment leading to sewage works with less than 25Ml/ capacity.

GENERAL QUALITY LIMITS		LARGE WORKS Ml/d	SMALL WORKS 25 Ml/d	UNITS
1.	Temperature (c)	44c	44c	Degree Celsius
2.	pH	6-Ph-10	6,5-Ph-10	Ph Units
3.	Oils, greases, waxes of mineral origin	50	50	mg/l

4.	Vegetable oils, greases, waxes	250	250	mg/l
5.	Total sugar and starch (as glucose)	1000	500	mg/l
6.	Sulphides, hydrosulphides and polysulphides (as S)	250	250	mg/l
7.	Sulphides, hydrosulphides and polysulphides (as	1	1	mg/l
8.	Chlorides (as Cl)	1000	500	mg/l
9.	Flouride (as F)	5	5	mg/l
10.	Phenols (as phenol)	10	5	mg/l
11.	Cyanides (as CN)	20	10	mg
12.	Settleable solids	Charge	Charge	mg/l
13.	Suspended solids	2000	1000	Mg/l
14.	Electrical Conductivity	400	400	Ms/m
15.	Anionic Surfactants	-	500	Mg/l
16.	C.O.D.	Charge	Charge	Mg/l
	Heavy Metal Limits			
17.	Copper (as Cu)	50	5	mg/l
18.	Nickel (Ni)	50	5	mg/l
19.	Zinc (Zn)	50	5	mg/l
20.	Iron (Fe)	50	5	mg/l
21.	Boron (B)	50	5	mg/l
22.	Selenium (Se)	50	5	mg/l
23.	Manganese (Mn)	50	5	mg/l
24.	Lead (Pb)			



GA-SEGONYANA LOCAL MUNICIPALITY

KEEPING OF WILD ANIMALS, POULTRY AND BEES BY-LAWS

Preamble

Ga - Segonyane Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Purpose of the by-law

To provide for the hygienic way of keeping animals in the area of jurisdiction of the Ga - Segonyane Local Municipality and any matters incidental thereto.

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CHAPTER 1**1. Definitions**

In this By-laws, unless the context indicates otherwise –

“**animal**” means any of the following animals:

- (a) cattle;
- (b) sheep;
- (c) goats;
- (d) horses;
- (e) mules;
- (f) donkeys;
- (g) pigs;
- (h) rabbits;

(i) cats;

(j) dogs;

“adequate” when used to describe a standard or manner in which anything required by these B-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 principle of these By-laws and “adequately” has a corresponding meaning;

“approved” means approved by the Environmental Health Practitioner, regard being had to the reasonable public health requirements that may apply to each particular case;

“aviary” means a roofed or unroofed enclosure, other than a portable cage, used for the keeping of birds:

“battery system” means a system of keeping birds or poultry in cages either in single rows or in tier formation within a building or structure approved by the municipality for agricultural industry;

“bird” means a feathered vertebrate other than poultry but including pigeons;

“cattery” means premises in or on which boarding facilities for cats are provided or in or on which cats are kept and bred for commercial purposes subject to the approval of such premises as animals boarding place by the municipality;

“dwelling” means any building or part of a building used for human habitation;

“enclosure”, in relation to animals, means any kraal, pen, paddock or other fenced or enclosed area used for accommodating, keeping or exercising animals;

“Environmental Health Practitioner” means an Environmental Health Practitioner appointed as such by the Municipality and who is duly registered as an Environmental Health Practitioner by the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974);

“hawk” means the activity of hawking licensed in terms of item 3(1) of Schedule 1 to the Business Act, 1991 (Act 71 of 1991);

“hawker” means any person carrying on the activity of hawking in terms of item 3(1) of Schedule 1 of the Business Act, 1991;

“kennels” means any premises in or in which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purpose of being trained or hired out with or without handlers, subject to the approval by the municipality as an animal boarding place.

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“Municipality” means the GaSegonyane Local Municipality, established in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended and where appropriate shall include the official or delegated agent entrusted to execute any one or more of the powers provided for in this By-law;

“nuisance” means a situation or state of affairs that endangers life or health or adversely affects the well-being of a person or community;

“owner”, in relation to an animal, means any person having possession, is in charge, custody, or control of the animal;

“person in control” means a person actually managing or in control of any premises or business;

“pet” means any domestic or other animal which may be lawfully kept, and includes any bird;

“pet shop” means a shop approved by the Municipality for the keeping of pets for the purpose of sale;

“pigsty” means a building, structure or enclosure in which pigs are kept on land which may be subject to an approval as agricultural industry;

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

“poultry house” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry are kept on land which may be subject to an approval as agricultural industry;

“poultry run” means any unroofed wire mesh or other enclosure in which poultry is kept.

“pound fees” means fees payable for impounding animals, and includes fees for the removal and destruction of carcasses;

“pound master” means a person in control of a pound;

“premises” means any land, building or structure or any portion of any land, building or structure in or on which any of the activities regulated by these by-laws are carried on;

“public place” means any road, street, sidewalk, park or other place to which the public has authorised and unimpeded access;

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

“rabbit run” means any unroofed wire mesh or other enclosure in which rabbits are kept; including standalone enclosures that are in addition to a rabbit hutch.

“residential premises” means any land or building used for human habitation only;

“stable” means any building or structure or any part of a building or structure used for accommodating or keeping cattle, horses, mules or donkeys;

“veterinarian” means a person registered as a veterinarian in terms of section 1 of the Veterinary and Para- veterinary Professions Act, 1982 (Act 19 of 1982).

“veterinary clinic” means land and building used for the treatment, care and operations on animals and may include the sale of veterinary medicines and specialised animal food and ancillary animal products and a Caretaker’s Flat but does not include overnight facilities;

“veterinary hospital” means a veterinary clinic with overnight facilities for animals.

CHAPTER 2

2. Application of by-laws

(1) The provisions of these by-laws do not apply to –

- (a) the keeping of cows for commercial milk production;
- (b) an agricultural show where animals, poultry or birds are kept on a temporary basis; and
- (c) a laboratory where animals, poultry or birds are kept for research purposes.

Provided that the Environmental Health Practitioner may, if he or she is satisfied that the application of one of the provisions of these by-laws or more is essential in the interest of public health, by notice to the person in control require such provision or provisions to be complied with.

CHAPTER 3

3. Kennels and Premises for the Keeping of Livestock

- (1) No person may:-
 - (a) keep any livestock, other than poultry, or maintain kennels in any area defined by the municipality as unsuitable for the keeping of livestock and the maintenance of kennels; and
 - (b) keep any livestock, other than poultry, on premises situated on land less than 1ha in extent, provided that in the case of a dealer or speculator in livestock the land is not less than 2,5 ha in extent.
- (2) The provisions of subsection 4(1)(a) do not apply in respect of a veterinary clinic or veterinary hospital operating with the approval of a land development application obtained from the Municipality.

CHAPTER 4

Keeping of animals, poultry and birds

4. Subject to the allocated zoning and land uses in terms of the Ga - Segonyane Local Municipality Town Planning Scheme and specific title deed provisions; no person shall;
- (1) keep any animal, unit of poultry or bird in or on premises that do not comply with the provisions of these by-laws;
 - (2) keep any animal, unit of poultry or bird in or on premises that are so constructed, maintained or situated that the keeping of animals, poultry or bird on the premises is, in the opinion of the Environmental Health Practitioner, likely to cause a nuisance;
 - (3) keep more than ten (10) units of poultry or ten (10) rabbits or birds on residential premises, provided more than ten (10) units of poultry may be kept on an agricultural holding and that the owner, occupier or keeper ensures that no health nuisance is constituted;
 - (4) keep more than three (3) dogs or three (3) cats older than six (6) months on property zoned residential;
 - (5) keep dogs and/or cats on premises zoned for industrial or business purposes unless the prior written approval of an environmental health practitioner has been obtained.

CHAPTER 5

Permits for keeping of animals and poultry

5. (1) No person may keep any animal other than a cat, dog, rabbit, or poultry unless he or she is the holder of a permit issued by an Environmental Health Practitioner in the form prescribed by these by-laws. Such permit is not required for the keeping of any animal or poultry in connection with the business of a pet shop.
- (2) A permit may not be transferable and expires on the date on which the permit holder ceases to keep the animals or poultry in respect of which the permit was issued.
- (3) A permit holder may notify the Environmental Health Practitioner in writing if he or she ceases to keep the animals or poultry in respect of which a permit was issued within ten days of any such occurrence.
- (4) The Municipality may cancel a permit if: -
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Environmental Health Practitioner requiring him or her to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease which in the opinion of the Environmental Health Practitioner or a Veterinarian, is of such a nature that it is likely to constitute a danger to public health or to other animals or poultry kept under such permit;

- (c) the permit holder or person in control of the premises at the time, personally or through his or her employee obstructs the Environmental Health Practitioner in the execution of his or her duties under these by-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws.
- (5) The Environmental Health Practitioner must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (6) The Environmental Health Practitioner may issue a new permit if he or she 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.

CHAPTER 6

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. Requirements for Premises

- (1) For the keeping of a herd of cattle, horse, mule or donkey on any premises, a stable or enclosure must be provided on the premises;
- (2) A stable contemplated in subsection 6.1 must meet 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 surface of the stable must be 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 be-
 - (i) 2,4m in the case of pitched roof;
 - (ii) 2,7m in the case of a flat roof;
 - (iii) a mean height of 3m within a minimum of 2,4m on the side, in the case of a lean-to roof;
 - (iv) 2m in the case of a stable which has an opening along entire length of one of its long sides.
- (d) the stable must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey to be accommodated in it;
- (e) (i) except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it;
 - (ii) the lowest point of every such opening, window or louvre must be at least 1,8m above floor level.
- (f) 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 27;
- (g) any enclosure must have an area of at least 10m² for each head of cattle, horse, mule or donkey to be accommodated in it and fencing must be of such substantial material so constructed as to prevent the animals from breaking out;
- (h) no stable or enclosure must be situated within 10m of the boundary of any land or of any dwelling or other building or

structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption;

- (i) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

7. Duties of Keeper of Cattle, Horses, Mules and Donkeys

- (1) Every person keeping any cattle, horse, mule or donkey must:-
 - (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
 - (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
 - (ii) every such container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply with the provisions of section 6(h) as the case may be.
 - (d) if the manure and bedding is of such quantity that storage containers are not adequate, provide a manure midden complying with the following requirements:
 - (i) the midden must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and covered at the junctions with the floor;

- (ii) the floor must be of concrete brought to a smooth finish and graded and drained to a water channel at least 150mm in diameter along the full length of the open side, which channel must be 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 containers or midden pending removal from the premises;
- (f) remove all the contents of the manure storage containers or midden from the premises at least once every second day and dispose them in a manner that will not create a nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure containers or midden pending removal from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a storeroom or other storage facilities approved by Council;
- (i) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the storeroom;
- (j) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 7

KEEPING OF PIGS

8. Requirements for premises

- (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided:
 - (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5m in height and must have a smooth internal surface;
 - (b) the pigsty must have a floor area of at least 3m² for each pig to be accommodated in it, with overall minimum floor area of 6m²;
 - (c) a roof provided over any portion of a pigsty must be at a height of not less than 1,5m from ground level at its lowest point in the pigsty and, except in the case of a roofed structure having one of its sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15m² for each pig to be accommodated; or other adequate means of ventilation and lighting must be provided;
 - (d) the junction between the walls and floor must be covered;
 - (e) the floor must be at least 150mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less

than 100mm in diameter and drained in terms of section 27;

- (f) the pigsty must be so constructed as to prevent the pigs from breaking out;
 - (g) no pigsty may be situated within 100m of any dwelling or other building or structure used for human habitation or of the boundary of any land or any well, water course or other source of water supply intended or used for human consumption.
- (2)(a) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of the pigs' food and it must be so situated as to comply with the provisions of sub section 1(g) as the case may be.
- (b) Such platform must have a curbing of at least 100mm high on the all of its sides and the surface of the platform must be brought to a smooth impervious finish and graded to a channel drained in terms of section 27.
- (3) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

9. Duties of Keeper of Pigs

- (1) Every person keeping pigs must:-
- (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean and sanitary condition and in good working order;

- (c)(i) provide portable manure storage containers of impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with section 9(1)(g).
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every second day and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof receptacles with close fitting lids in storeroom;
- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 8

KEEPING OF GOATS AND SHEEP

10. Requirements for premises

- (1) For the keeping of any goat or sheep, premises complying with the following requirements must be provided:-
 - (a) an enclosure with an area of at least 1,5m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 30m²;

- (b) if a building or shed is provided for such keeping, it shall comply with the following requirements: -
 - (i) every wall thereof must be constructed of brick, concrete, stone or other durable material not less than 2m in height and must have a smooth internal finish;
 - (ii) 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 27;
 - (iii) the floor must be at least 1,5m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 6m²;
 - (iv) lighting and ventilation openings totalling at least 0,15m² per goat or sheep to be kept in the building shed.
- (c) no enclosure, building or shed may be situated within 10m of any boundary of any land or of any dwelling or other building or structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption.
- (d) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every enclosure, building or shed.

11. Duties of Keeper of Goats and Sheep

- (1) Every person keeping any goat or sheep must:-
 - (a) ensure that every goat or sheep is kept within an enclosure, building or shed;

- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
- (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the enclosure, building or shed so as to comply with the provisions of section 11(1)(c) as the case may be.
- (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers, with close fitting lids in the storeroom;
- (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 9

KEEPING POULTRY

12. Requirements for premises

- (1) For the keeping of poultry, premises complying with the following requirements must be provided:
 - (a) a poultry house complying with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floor of the structure of two or more tiers must be of an impervious and easily cleaned material;
 - (iv) it must have a floor area of at least 0,2m² for each grown fowl, duck, Muscovy duck or guinea fowl, and 0,5m² for each grown goose, turkey or peacock to be accommodated in it, with an overall minimum floor area of 4m².
 - (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
 - (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:

- (i) every wall, if provided, must be at least 2,4m high, and must be constructed of concrete, stone, brick or other durable 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 equal to not less than 15% of the floor area of the building;
- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 27;
- (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150mm high around its extremities;
- (v) every junction between the floor and walls kerbing must be covered;
- (vi) the cages of the battery system must be constructed of an impervious material;
- (vii) if required by the Environmental Health Practitioner, a tray of an impervious material and design must be fitted under every cage for the collection of manure;
- (viii) a concrete washing platform with a kerb around extremities or stainless steel trough with draining board and with a constant supply of water laid on, drained in terms of section 27 must be provided within or adjacent to the building or structure for the cleaning of the cages;

- (ix) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27.
- (d) there must be at least 3m of clear space between any poultry house, poultry run, or building structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
- (e)(i) if required by the Municipality, with due regard to the quantity of manure to be stored pending removal from premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a kerb at least 100mm high around its extremities and graded and drained in terms of section 27;
- (ii) the roof over such platform must extend 1m beyond the extremities of the platform.
- (f) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.

13. Duties of Keeper of Poultry

- (1) Every person keeping poultry must:-
 - (a) ensure that all poultry is kept within the poultry house, poultry run, or building or structure housing a battery system;
 - (b) maintain the premises or any equipment, apparatus and container used in connection with such keeping in a clean, sanitary condition and in good working order;

- (c) maintain the premises free from unpleasant smells and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12 as the case may be.
- (e)(i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals as approved by the Environmental Health Practitioner from a building or structure housing a battery system, with due regard to the prevention of a public health nuisance caused by bad smell; and
- (ii) place the manure and other waste matter in the manure storage containers.
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure;
- (h) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers with close fitting lids in the storeroom;

- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of poultry on the premises.

CHAPTER 10

KEEPING OF RABBITS

14. Requirements for Premises

- (1) For the keeping of rabbits premises complying with the following requirements must be provided:-
 - (a) a rabbit hatch complying with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) a floor surface which must be at least 150mm above ground level must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by Council, the floor must be graded to a channel drained in terms of section 27;
 - (iii) natural light and ventilation must be provided;
 - (iv) it shall have a minimum floor area of 0,4m² for every rabbit to be accommodated in it.

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- (b) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;
- (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:-
 - (i) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows or an area equal to not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 27;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150mm high around its extremities;
 - (v) every junction between the floor and the walls and kerbing must be covered;
 - (vi) the cages of the battery system must be constructed of impervious material and filled with trays of an impervious material under every cage for the reception of urine;
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 27;

- (d) there must be at least 5m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
- (e) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system, building or structure or the rabbit hutch.

15. Duties of Keeper of Rabbits

- (1) Every person keeping rabbits must:-
 - (a) ensure that all rabbits are kept within the rabbit hatch, rabbit run, or building or structure housing a battery system;
 - (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean, sanitary condition and in good working order;
 - (c) maintain the premises free from unpleasant smells and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
 - (d)(i) provide portable manure storage container of an impervious material with close fitting lids;
 - (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit hutch, rabbit run or building or structure housing the battery

system and so as to comply with section 15 (d) as the case may be;

- (e) remove all manure and any other waste from the rabbit hutch, rabbit run or building or structure housing the battery system at least once every 48 hours and place them in the manure storage containers;
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) not store any material or any article in a rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in the house, run or building or structure;
- (h) store all feed in a rodent proof storeroom and all loose feed in a number of rodent proof containers with close fitting lids in such storeroom;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of rabbits on the premises.

CHAPTER 11

KEEPING OF BIRDS

16. Requirements for Premises

- (1) For the keeping of birds in an aviary, premises complying with the following requirements must be provided:-

- (a) the aviary must be properly constructed of durable materials, rodent proof and must, for cleaning purposes, be adequately accessible;
- (b) if the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300mm above ground level;
- (c) no aviary must be situated within 3m of any building or structure, boundary fence or boundary wall;
- (d) adequate supply of water for drinking and cleaning purposes must be supplied.

17. Duties of Keeper of Birds

- (1) Every person who keeps birds in an aviary must:-
 - (a) ensure that the aviary, pigeon loft or similar structure and the premises are kept in a clean condition and free of vermin;
 - (b) provide rodent proof facilities for the storage of food in those facilities;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of flies, cockroaches, rodents and other vermin;
 - (d) ensure that no nuisance arises from the keeping of birds.

CHAPTER 12

KEEPING OF BEES

18. Requirements of Premises

- (1) For the keeping of bees in a bee-hive, premises complying with the following requirements must be provided:-
 - (a) the bee-hive must be made of solid and impervious material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive;
 - (b) the bee-hive must be kept at least 100m from any residence, business premises or place where animals or birds are kept; and
 - (c) the bee-hive must be surrounded by a wire fence, hedge or wall of at least 1,5m high and which is at least 5m from any part of the bee-hive.

19. Permits to keep bees

- (1) A person may not keep bees on premises within the area of jurisdiction of the Municipality, except in terms of a permit, on application issued by a responsible manager of the Municipality.
- (2) Application for a permit must be made in writing on the prescribed form, which must be signed by the applicant or his or her agent who has been duly authorised in writing to do so, and must be submitted to the responsible manager in the Municipality.
- (3) The responsible manager must on receipt of an application for a permit establish all the relevant facts, and may after reasonable notice to the applicant, inspect the premises where the bees will be kept.

- (4)(a) The responsible manager must within 14 days of receipt of an application for a permit:-
- (i) refuse to grant the permit, if there is evidence, which on request has not been rebutted by the applicant, that the keeping of bees on the premises will constitute a public nuisance or a danger to human or animal life or that a condition contemplated in section 20 will not be complied with; or
 - (ii) grant the permit if there is no such evidence.
- (5) if the application is refused, the responsible manager must inform the applicant accordingly, and must on request provide the applicant with written reasons for doing so.
- (6) (a) if the application is granted, the responsible manager must, on payment, subject to sub paragraph (b), by the applicant to the municipality of the prescribed fee, issue the permit to the applicant and include it in a record of permits issued;
- (b) no fee is payable if the bees are kept in observation bee-hives for experimental or educational purposes only.

20. Duration of permit

- (1) A permit issued under section 19 (4)(a) is valid for one (1) year from the date of its issue.
- (2) A permit holder may, at least one month before the expiry of the permit, apply in writing to the Person in Control for the renewal of the permit.
- (3) The Person in Control must renew the permit on a form similar to schedule 3 if he or she is satisfied that the permit holder complies with

section 18 (1) and has paid to Council the prescribed renewal fee, unless the bees are kept in terms of section 19 (6)(b).

- (4)(a) The Person in Control may at any time by notice served on a permit holder rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of section 19 (1) or that the keeping of the bees constitutes a public nuisance or a danger to human and animal life.
- (b) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fee paid in terms of section 19 (6)(a) or sub section 3 hereof.

21. Removal or destruction of bees

1. If a person keeps bees in premises without a permit or contrary to a condition contemplated in section 18 (1), the Person in Control may serve a notice on the owner or occupant of the premises, to the effect that the bees must within a period stated in the notice be destroyed or removed to premises where they may be kept legally, or they will be destroyed or removed by the Person in Control and the costs related thereto will be recovered from such owner or occupant.
- (2) If the owner or occupant fails to comply with a notice contemplated in subsection (1), the Person in Control may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- (3) If the keeping of bees on premises constitute a danger to human life, the Person in Control may, on the authority of a warrant, destroy or remove the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.

- (4) For the purpose of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises.

CHAPTER 13

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

22. Requirements for Conducting Business

- (1) No person may conduct the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, unless the requirements of sub section (2) and (3) are complied with.
- (2)(a) Subject to the provisions of section 31, the requirements of sections 2 to 16, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
- (b) An enclosure with an area of at least 10m² per head of cattle, horse, mule or donkey and 1,5m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50m² must be provided.
- (c)(i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of that sex are employed in the keeping of animals or poultry.
- (ii) Every change room must have a floor area of at least 0,5m² per employee, subject to an overall minimum area of 6,5m² and a minimum width of 2,1m.

- (iii) Every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee.
- (iv) For each employee for whom no change room is required in terms of sub paragraph (i), a metal clothes locker must be provided.
- (d)(i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part thereof employed.
- (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms; must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.
- (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
- (f) Overalls or other protective clothing and, if required by the Municipality, protective footwear must be provided for the use by persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises-
 - (a) sleeping accommodated equipped with a bed for each employee must be provided;
 - (b)(i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part thereof of a particular sex employed;
 - (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 27.

- (c)(i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 27;
- (iii) every bowl of the sink must have a minimum capacity of 55 litres, be fitted with a 150mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface.
- (d) laundry facilities consisting of stainless-steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 27 must be provided;
- (e) a refuse container must be provided in the scullery;
- (f) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER 14

DOG KENNELS AND CATTERIES

23. Requirements for Premises

- (1) No person may maintain a kennel or a cattery, unless the requirements of subsection (2) to (12) are complied with.
- (2) Every dog or cat must be kept in an enclosure complying with the following requirements:

- (a) it must be constructed of durable materials and must be adequately accessible for cleaning purposes;
 - (b) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to Council's sewer by means of an earthenware pipe 100mm in diameter;
 - (c) a kerb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.
- (3) Every enclosure referred to in sub section (2) must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
- (a) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints;
 - (b) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be covered;
 - (c) every shelter must, for cleaning and deworminising purposes, be adequately accessible.
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without

cracks or open joints, may be provided instead of a shelter contemplated in sub section (2) and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry, must be provided in every kennel.

- (5) A concrete apron extending at least 1 m around the extremities of the enclosure must be provided. The apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- (7)(a) If required by the Municipality, a separate room or roofed area with a floor area of not less than 6,5m², a width of not less than 2,1m and a height of not less than 2,4m must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
- (c) The internal wall surface of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 27.
- (e) Every bowl of the sink must have a minimum depth of 225mm and a minimum capacity of 55 litres.
- (8) At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building

or structure used for human habitation or place where food is stored or prepared for human consumption, or to boundary of any land.

- (9) Isolation facilities must be provided for sick dogs or cats.
- (10) if washing, clipping or grooming of pets is done, the following facilities must be provided:
 - (a) a bathroom with a minimum floor area of 9m², a width of not less than 2,1m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on;
 - (b) a clipping and grooming room with a minimum floor area of 10m², a width of not less than 2,1m and fitted with approved impervious topped tabled and an adequate number of portable storage containers of an impervious durable material with close fitting lids for the storage of cut hair pending removal;
 - (c) the room referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%;
 - (d) the floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 27;
 - (e) every junction between the floor and walls of such rooms must be coved and the coving must have a minimum radius of 75mm
 - (f) every internal wall surface must be smooth plastered and painted in a light-coloured washable paint.
- (11) If cages are kept for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

24. Duties of person in Control of Kennels or Catteries

- (1) Any person in control of kennels or a cattery must:
- (a) maintain the premises, equipment, every container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good working order;
 - (b)(i) provide portable storage containers of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every container must be kept in a platform constructed of concrete or other durable and impervious material adjacent to the enclosures.
 - (c) remove all faeces and other waste matter from the enclosure and the shelter at least once every 24 hours and place it in the containers referred to in paragraph (b);
 - (d) Remove the contents of the storage containers from the premises at least twice every 7 days and dispose them in a manner which will not create a nuisance;
 - (e) store all food in a rodent proof store room and all loose food in rodent proof containers with close fitting lids within the store room;
 - (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° c;
 - (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches,

rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of dogs or cats;

- (h) provide refuse containers with close fitting lids in the food preparation room or roofed area required in terms of section 23 (7);
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 23 (10), whilst on the premises;
- (j) ensure that no nuisance arises from the keeping of dogs and cats.

CHAPTER 15

HAWKING OF POULTRY AND RABBITS

25. Requirements for Hawking

- (1) No person may hawk poultry or rabbits, unless the following requirements are complied with:
 - (a) the business of a hawker must be conducted from premises on which poultry or rabbits are kept in compliance with the provisions of Chapters 4 and 5 and facilities must be provided for the parking of the vehicle used for hawking after normal trading hours;
 - (b) facilities must be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either:
 - (i) a kerbed platform with a surface area of at least 1,5m², raised at least 100mm above the floor and constructed of

concrete or other durable and impervious material brought to a smooth finish and drained in terms of section 27;

- (ii) a stainless-steel sink or trough not less than 204mm deep and 0,6m² in area with a drainage board, and with a constant supply of water laid on at the washing platform, sink or trough.
- (c)(i) a vehicle of sound construction, oil painted and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises in clearly legible letters not less than 50mm in height on both sides of the vehicle must be provided;
- (ii) the part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made.
- (d)(i) cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
- (ii) the cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (iii) in the case of rabbits, the trays must be drained to a removable receptible.
- (e) every cage, crate or division must be provided with a drinking vessel, not less than 100mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

26. Duties of Hawkers

- (1) Every person hawking poultry or rabbits must: -
- (a) wash and thoroughly cleanse the part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place them in a separate cage;
 - (c) maintain the premises, vehicle and every cage, crate, tray, vessel and container used in connection with the hawking in a clean and sanitary condition, free from vermin and in good working order;
 - (d) store all feed in rodent proof containers.

CHAPTER 16**MISCELLANEOUS****27. Drainage**

All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces including channels and washing platforms, required to be drained in terms of these by-laws, must be drained to an external gully, connected to Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

28. Discharge of Taps

Taps at all water supply points required in terms of these by-laws, other than those within a building or structure the floors of which are graded and drained, must be placed so as to discharge directly over and into a dish fitted to an external gully connected to Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

29. Nuisance

- (1) No person may:
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to duly dispose of dead animals in such a manner as prescribed by the Environmental Health Practitioner.

30. Illness Attributable to Animals

The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters 7 to 10, must be reported to the Environmental Health Practitioner within 24 hours of diagnosis by the person making the diagnosis.

31. Inspection

- (1) The Environmental Health Practitioner and any officer authorised by Council may, in order to satisfy himself or herself that the provisions of these by-laws are being complied with:
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business

of a dealer or speculator in livestock or a pet shop, a pet salon or a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;

- (b) inspect such premises or any vehicle used or reasonably suspected by him or her to be used for such business and anything on and in it; and
- (c) question any person on the premises or in the vehicle or who has recently been on the premises or in the vehicle.

32. Offences and Penalties

(1) Any person:

- (a) who contravenes or fails to comply with any provision of these by-laws;
- (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or hawker of poultry or rabbits on any premises and fails to ensure that all the provisions of these by-laws applicable to such premises or business are complied with;
- (c) who fails or refuses to give access contemplated in section 30 when requested to give such access;
- (d) who obstructs or hinders the Environmental Health Practitioner or other officer in the execution his or her duties under these by-laws;

- (e) Fails or refuses to give information to the Environmental Health Practitioner or other officer which is lawfully required, or knowingly furnishes false or misleading information;
- (f) Fails to confine their livestock in an area the area demarcated for such in terms of this by-law shall be fined an amount of R 18-70 per small stock and R 39-00 per big stock revised annually in line with the Consumer Price Index;
- (g) fails or refuses to comply with a notice in terms of section 2, is guilty of an offence and may be liable on conviction to a fine not exceeding R100 000 - 00 or, in default of payment, to imprisonment for a period not exceeding six months, or both the fine and imprisonment.

33. Repeal of by-laws

Any By-Laws which was previously applicable and related to Parking and Loading Management and are hereby repealed.

Short Title

34. Repeal of by-laws

This by-law shall be known as the Ga - Segonyana Local Municipality: Keeping of Animals, Birds, Poultry or Bees By-Laws and takes effect on the date of publication in the *Provincial Gazette*.



GA-SEGONYANA LOCAL MUNICIPALITY

REFUSE REMOVAL, ILLEGAL DUMPING AND USAGE OF MUNICIPAL LANDFILL SITE BY-LAWS

Preamble

The Ga - Segonyane Local Municipality, by virtue of the powers vested in it by section 156(2) of the Constitution of the Republic, of South Africa as amended, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, has made the By-Law set out in the schedule below:

Purpose of By-Law

- To provide refuse removal, collection and disposal of waste for the benefit of residents within the area of jurisdiction of the municipality;
- To provide for the procedures, methods and practices to regulate collection, dumping of refuse and the management of disposal sites.

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Definitions

1. In this By-law, words used in the masculine gender include the feminine; the singular includes the plural and vice versa; the English text shall prevail in the event of an inconsistency between the different texts; and, unless the context otherwise indicates: –

“attendant” means an employee of the municipality or agent of the municipality duly authorised to be in charge of the disposal site;

"municipality" means the Municipality of Ga – Segonyana Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“disposal site” means any site set aside by the municipality for this purpose and which can be identified as such by means of a notice to this effect at or near to the entrance of the site;

“offensive matter” means such matter, including fluids, that may be classified as such by the municipality from time to time.

Control of disposal site

2. The municipality may control a disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the municipality in accordance with the provisions of this by-law and the provisions of any other legislation that may be applicable.

Access to disposal site

3. (1) No person shall enter the disposal site or shall be on such a site except on such day and at such times as shall be fixed by the municipality from time to time. A notice setting forth the days and hours during which a disposal site will normally be open for the dumping of refuse, shall be displayed by the municipality in a clearly visible place at or near the entrance to the disposal site.
- (2) Only persons wishing to dump refuse who have paid the prescribed fees or who are in possession of a written permission issued by the municipality which permits them to dump such refuse at a disposal site and persons having obtained the written consent of the municipality to recycle any materials or objects on such a site, shall be entitled to enter the disposal site or to be on the site.

- (3) Notwithstanding anything to the contrary contained in this by-law, any employee of the municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a disposal site at any time in exercising his duties.
- (4) Any person making use of the disposal site or entering the disposal site, do so at his own risk and the municipality shall accept no responsibility for the safety of such person or any damages or losses sustained by such person.
- (5) Anybody who enters a disposal site or who is found on such a site in contravention of the provisions of this section shall be guilty of an offence.

Off-loading of refuse and rubbish etc.

- 4. (1) Any person who wishes to dump refuse or rubbish or any other obsolete object or thing of whatsoever nature at a disposal site shall off-load such refuse or rubbish or obsolete object or thing at such a place within the borders of the disposal site as the attendant may direct.
- (2) The municipality may set aside any disposal site or any part of a disposal site where only a particular kind of refuse may be deposited or dumped.
- (3) The municipality may limit the type or size of vehicle from which waste may be dumped or deposited at any disposal site.
- (4) The municipality may limit the quantity of waste in general or the quantity of a particular type of waste which may be dumped or deposited at any disposal site.

- (5) The municipality may require that any waste to be dumped or deposited at a disposal site shall be dumped or deposited at a particular place or in a specified manner only or that it be treated, wrapped or packaged in a specific manner before being dumped or deposited.
- (6) The municipality shall determine the days when and hours during which dumping may be done.
- (7) Any requirement imposed in terms of this by-law shall be indicated to the public by means of an appropriate notice erected at the entrance of the disposal site concerned.
- (8) Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

Prohibition on dumping of offensive matter

- 5. (1) The municipality reserves the right to prohibit the dumping of any offensive or toxic matter at a disposal site.
- (2) No hazardous or Medical waste is accepted in the dumping site (additional input).

Ownership of refuse

- 6. Refuse, rubbish, obsolete objects or any other material or waste of any nature whatsoever that are dumped at a disposal site become the property of the municipality
- 7. No person who is not duly authorised by the municipality to do so shall remove or interfere with such refuse, rubbish, objects or any other material or waste.

Charges

8. The municipality may from time to time fix the charges payable to the municipality for the dumping of any refuse, rubbish, obsolete objects or any other material or waste at any disposal site under the control of the municipality.

Littering, dumping and abandoning of waste and waste material

9. Littering

(1). No person may:-

- (a) throw, drop, deposit, spill or in any other way discard any litter into or onto a public place, land, vacant erf, stream, street or road, or on any place to which the general public has access, except in a container provided for that purpose or at a disposal site controlled by the municipality:
- (b) allow any other person under his or her control to commit any of the acts contemplated in sub paragraph (a), and, for the purpose of this subsection, employers or principals are liable for the acts of their employees or agents, provided that where an employee or agent contravenes the provisions of sub paragraph (a) he or she is liable as if he or she were the employer or principal.
- (c) Any person engaged in the transportation of waste material must take all the reasonable steps to prevent any spillage or littering from vehicle used to transport waste by providing adequate coverage,

not over-filling of the loading area and/or ensuring that loading area is equipped with a suitable load cage, etc.

- (2). A person reasonably suspected by a law enforcement officer or an Environmental Management Inspector of having contravened the provisions of subsection (1) is liable in terms of these by-laws. A fine for illegal dumping will be imposed in the account for rates and taxes when billing is done.
- (3) Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the waste as directed by the Municipality or, alternatively, the Municipality may dispose of the waste itself at the expense of that person.
- (4) Subject to the provisions of the by-laws pertaining to Temporary Advertisements and Outdoor Advertising –
 - (a) a person is not permitted to distribute any flyers, pamphlets, stickers or handbills at street corners, traffic lights, sidewalks, stop streets or any open or public place without the Municipality's prior written consent; and
 - (b) a placard or advertisement must not be displayed or placed on a lamp pole, traffic sign, pole or fence by a person without the Municipality's prior written consent.

10. Unauthorised disposal and abandoning

- (1) A person must not dispose of waste or waste material at any place or on any premises other than as provided for in terms of these by-laws.

- (2) A person reasonable suspected by a law enforcement officer or an Environmental Management Inspector of having contravened the provisions of subsection (1) is liable in terms of these by-laws.
- (3) subject to the provisions of any other law, the Municipality has the right to remove and dispose of any abandoned waste or waste material in any way it deems appropriate under the prevailing circumstances.
- (4) The Municipality is not liable for any damages, costs or claims that arise out of or that are in any way connected to any action taken in terms of sub paragraph (3).
- (5). Should a person be convicted of contravening the provisions of this section, he or she must, notwithstanding any penalty imposed on him or her, dispose of the abandoned waste or waste material as directed by the Municipality or, alternatively, the Municipality may dispose of the waste or waste material itself at the expense of that person.

Penalties

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

- (1) a fine in terms of the municipal schedule of fines;
- (2) imprisonment upon conviction, or to both such fine and such imprisonment;
- (3) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and

- (4) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of By – Laws

12. All the By-Laws which was previously applicable and related to by-laws on Refuse Removal, Illegal Dumping and Usage of Municipal Landfill Site by-laws are hereby repealed.

Short Title

13. This by-law shall be known as the Ga - Segonyana Local Municipality: Refuse Removal, Illegal Dumping and Usage of Municipal Landfill Site By-Laws and takes effect on the date of publication in the *Provincial Gazette*.

Closing times for **ORDINARY WEEKLY** 2024

NORTHERN CAPE PROVINCIAL GAZETTE

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

- **21 December 2023**, Thursday for the issue of Monday **01 January 2024**
- **29 December 2023**, Friday for the issue of Monday **08 January 2024**
- **08 January**, Monday for the issue of Monday **15 January 2024**
- **15 January**, Monday for the issue of Monday **22 January 2024**
- **22 January**, Monday for the issue of Monday **29 January 2024**
- **29 January**, Monday for the issue of Monday **05 February 2024**
- **05 February**, Monday for the issue of Monday **12 February 2024**
- **12 February**, Monday for the issue of Monday **19 February 2024**
- **19 February**, Monday for the issue of Monday **26 February 2024**
- **26 February**, Monday for the issue of Monday **04 March 2024**
- **04 March**, Monday for the issue of Monday **11 March 2024**
- **11 March**, Monday for the issue of Monday **18 March 2024**
- **15 March**, Friday for the issue of Monday **25 March 2024**
- **22 March**, Friday for the issue of Monday **01 April 2024**
- **28 March**, Thursday for the issue of Monday **08 April 2024**
- **08 April**, Monday for the issue of Monday **15 April 2024**
- **15 April**, Monday for the issue of Monday **22 April 2024**
- **22 April**, Monday for the issue of Monday **29 April 2024**
- **26 April**, Friday for the issue of Monday **06 May 2024**
- **06 May**, Monday for the issue of Monday **13 May 2024**
- **13 May**, Monday for the issue of Monday **20 May 2024**
- **20 May**, Monday for the issue of Monday **27 May 2024**
- **27 May**, Monday for the issue of Monday **03 June 2024**
- **03 June**, Monday for the issue of Monday **10 June 2024**
- **10 June**, Monday for the issue of Monday **17 June 2024**
- **14 June**, Friday for the issue of Monday **24 June 2024**
- **24 June**, Monday for the issue of Monday **01 July 2024**
- **01 July**, Monday for the issue of Monday **08 July 2024**
- **08 July**, Monday for the issue of Monday **15 July 2024**
- **15 July**, Monday for the issue of Monday **22 July 2024**
- **22 July**, Monday for the issue of Monday **29 July 2024**
- **29 July**, Monday for the issue of Monday **05 August 2024**
- **02 August**, Friday for the issue of Monday **12 August 2024**
- **12 August**, Monday for the issue of Monday **19 August 2024**
- **19 August**, Monday for the issue of Monday **26 August 2024**
- **26 August**, Monday for the issue of Monday **02 September 2024**
- **02 September**, Monday for the issue of Monday **09 September 2024**
- **09 September**, Monday for the issue of Monday **16 September 2024**
- **16 September**, Monday for the issue of Monday **23 September 2024**
- **20 September**, Friday for the issue of Monday **30 September 2024**
- **30 September**, Monday for the issue of Monday **07 October 2024**
- **07 October**, Monday for the issue of Monday **14 October 2024**
- **14 October**, Monday for the issue of Monday **21 October 2024**
- **21 October**, Monday for the issue of Monday **28 October 2024**
- **28 October**, Monday for the issue of Monday **04 November 2024**
- **04 November**, Monday for the issue of Monday **11 November 2024**
- **11 November**, Monday for the issue of Monday **18 November 2024**
- **18 November**, Monday for the issue of Monday **25 November 2024**
- **25 November**, Monday for the issue of Monday **02 December 2024**
- **02 December**, Monday for the issue of Monday **09 December 2024**
- **09 December**, Monday for the issue of Monday **16 December 2024**
- **13 December**, Friday for the issue of Monday **23 December 2024**
- **19 December**, Thursday for the issue of Monday **30 December 2024**

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