

THABAZIMBI LOCAL MUNICIPALITY

REVIEW AND DEVELOPMENT OF BY-LAWS

Thabazimbi Local Municipality

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1. BUILDING REGULATIONS BY-LAW (SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDINGS STANDARDS ACT)

The Municipal Manager of Thabazimbi Local Municipality hereby, in terms of section 13(a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Building Regulations By-Law (Supplementary to the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and Regulations made under the Act and Approved by the Minister of Trade and Industry in terms of Section 29 (2) and 29(8)(a) of the Act) for the Thabazimbi Local Municipality, to be approved by the Council, as set out hereunder.

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

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

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

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

"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 antisiphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

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

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

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

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

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

"Owner" means -

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;

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

(c) in relation to -

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

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

"Piece of Land" means -

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

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

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

"Purified Sewage Effluent" means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

"Sanitary Fitting" or "Sanitary Appliance" means a 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;

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

"Tariff" means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section 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 stormwater;

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

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

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

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

PART B

SCOPE OF BY-LAWS

2. Scope of by-laws

(1) These by-laws are 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 these by-laws.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

PART C

STREETS AND PAVEMENTS

3. Catheads, Cranes and Platforms

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

4. Slab Footways and Pavements

(1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended

for exclusive use as a street sidewalk.

(2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following further requirements:

(a) For ordinary paving or slabs the minimum crossfall is 1:100 and the maximum crossfall is 1:25.

(b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15.

(c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

(3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

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

5. Plants on street verges

(1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.

(3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

6. Street gutter bridges

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

BUILDINGS**7. Encroachments**

With the consent of the Municipality -

(a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

(b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m; (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and

(c) a projection from any eaves may exceed a street boundary or building line.

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

(1) No building may without the express permission of the Municipality be erected so

that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and

of the centre of the natural watercourse.

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

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

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

10. Enclosures

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

11. Roofs

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

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

PART D
SEWERAGE

GENERAL PROVISIONS

12. Connection to sewer

(1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

(2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.

(3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.

(4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.

(5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.

(6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

13. Disconnection of drainage installations and conservancy and septic tanks

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

(2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that -

(a) the disconnection has been completed in terms of the National Building Regulations; and

(b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.

(3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).

(4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under these by-laws.

(5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the

Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

14. Drainage work that does not meet the requirements

(1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these by-laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous by-laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.

(2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.

(3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or these by-laws -

(a) itself proceed to carry out such alteration, removal or other work as it may deem

necessary for compliance with the provisions of the National Building Regulations or these by-laws; and

(b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15. Maintenance

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

16. Drain and sewer blockages

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

(2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.

(3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person contemplated in subsection (3) must -

(a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and

(b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.

(5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).

(6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

(7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).

(8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

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

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of noncompliance with or the contravention of any provision of the National Building Regulations or these by-laws must be rectified or repaired by the Municipality at the expense of the person responsible for such noncompliance 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.

18. Entry onto premises

(1) An officer authorised by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

(2) The owner or occupier of any premises is guilty of an offence under these by-laws if he or she, in respect of an officer entering on the premises in terms of subsection (1) -

- (a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
- (b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;
- (c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or
- (d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

19. Manholes on municipal property

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

(2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 80B of the Local Government Ordinance, 1939.

20. Mechanical food-waste and other disposal units

(1) No person may incorporate into a drainage installation a mechanical foodwaste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that -

- (a) the Municipality installs and seals the water meter at the cost of the owner; and
- (b) the Municipality has the right of access to the water meter at all times.

(2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.

(3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

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

PREVENTION OF WATER POLLUTION**21. Sewage and other pollutants not to enter stormwater drains**

(1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.

(2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to -

(a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or

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

22. Stormwater not to enter sewers

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

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

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

24. Permission to discharge industrial effluent

(1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.

(2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -

(a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and

(b) liable for any damage caused as a result of the 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 section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical

appliance, whether under the control of the Municipality or not; or

(b) a prosecution in terms of the Water Services Act, 1997 (Act 108 of 1997), 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 Services Act, 1997 (Act 108 of 1997), or as a result of any amendment to these by-laws or for any other reason, the Municipality may from time to time or at any time -

(a) review, amend, modify or revoke any permission given or any conditions attached to such permission;

(b) impose new conditions for the acceptance of industrial effluent into a sewer; or

(c) prohibit the discharge of any or all industrial effluent into a sewer, provided that -

(i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. Control of industrial effluent

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-laws, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain

prior written permission from the Municipality.

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of these by-laws, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Services Act, 1997 (Act 108 of 1997).

(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.

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

(1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.

(2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must -

(a) register the borehole or well with the Municipality;

(b) give the Municipality full particulars of the discharge capacity of the borehole or

well; and

(c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these by-laws.

27. Prohibited discharges

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -

(a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;

(b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;

(c) has a pH value less than 6,0 or greater than 10,0;

(d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;

(e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;

(f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;

(g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;

(h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;

(i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that -

(i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and

(ii) the Municipality is satisfied that the discharge or entry of the substance into the

sewer will not -

- (aa) damage the sewer or any mechanical appliance, water care works or equipment;
- (bb) prejudice the use of sewage for re-use; or
- (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and

(j) contains any substance whatsoever which, in the opinion of the Municipality -

- (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
- (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Services Act, 1997 (Act 108 of 1997), or (iii) whether listed in Schedule II or not, either alone or in combination with other matter may -

(aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;

(bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or

(cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.

(2) (a) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection

(1) must immediately stop such discharge.

(b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent

complies in all respects with the Municipality's requirements as prescribed in terms of these by-laws.

Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

PART E

WATER

28. Connection from main

(1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.

(2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.

(3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

29. Valves in communication pipes

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

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

30. Additions to fire extinguishing system

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

31. Extension of fire extinguishing system to other premises

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

32. Inspection and approval of fire extinguishing services

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

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

33. Connections to be to the satisfaction of the Municipality

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

34. Installation of reflux valves

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

35. Sprinkler systems

- (1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system on any premises has been installed and

completed, the owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

36. Header tanks and duplicate supply from main

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

PART F NOTICES

37. Notices

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

(2) Any notice, order or other document served on any person in terms of these by-laws must be served in the following manner:

(a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or

(b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.

(3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

PART G
OFFENCES AND PENALTIES

38. Offences and penalties

(1) Notwithstanding any provision of these by-laws in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

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

SCHEDULE I
CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

1. Height restrictions

(1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1 m, irrespective of the type of material from which the enclosure is made.

(2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

2. Design and appearance

(1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:

(a) All surfaces of the enclosure that are visible from an adjacent street or public open space must -

- (i) be skilfully finished;
- (ii) be of good quality material;
- (iii) be without any defect; and

- (iv) have an exposed or finished side.
- (b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.
- (c) If the enclosure is made of precast material, it must -
 - (i) have a brick-pattern finish and be painted white; or
 - (ii) be of a finish or colour approved by the Municipality.
- (d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.
- (2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:
 - (a) All surfaces of the enclosure that front on an adjacent erf must -
 - (i) be 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

Notwithstanding the provisions of paragraphs 1 and 2 -

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

(e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

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

(i) 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.

(ii) 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

Radioactive waste or isotopes: such concentration as may be laid down by the Atomic

Energy Corporation or any State department.

(i). 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.

2. EMERGENCY SERVICES BY-LAW

The Municipal Manager of Thabazimbi Local Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Emergency Services By-law for the Municipality as approved by its Council, as set out hereunder.

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PART A
DEFINITIONS

1. Definitions

In these By-law unless the context otherwise indicates -

“Above Ground Storage Tank” means a tank situated above ground for the storage of flammable substances as contemplated in SABS 0131 and SABS 089 Part 1 and SABS 087 Part 3;

“Agricultural Holding” means a portion of land not less than 0.8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

“Approved” means as approved by the Council;

“Bund Wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

“Certificate Of Fitness” means a certificate contemplated in section 20;

“Certificate Of Registration” means a certificate contemplated in section 35;

“Chief Fire Officer” means the Chief Fire Officer appointed by the Council in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting Chief Fire Officer;

“Chief Inspector of Explosives” means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 2003 (Act No. 15 of 2003)

“Civil Aviation Authority” means the South African Civil Aviation Authority established

in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

“Class” means a class of petroleum product based on the following classification:

- (a) Class O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:
 - (i) Class IA: liquids which have a closed-cap flash point below 23oC and a boiling point below 35oC; and
 - (ii) Class IB: liquids which have a closed-cap flash point below 23oC and a boiling point of 38oC or above;
 - (iii) Class IC: liquids which have a closed-cap flash point of 23oC or above but below 38oC;
- (c) Class II: liquids which have a closed-cap flash point of 38oC or above but below 60,5oC;
- (d) Class IIIA: liquids which have a closed-cap flash point of 60.5oC or above but below 93oC; and
- (e) Class IIIB: liquids which have a closed-cap flash point of 93oC or above;

“Combustible Liquid” means a liquid which has a close-cap flash point of 38oC or above;

“Competent Person” means a person who is qualified by virtue of his or her experience and training;

“Council” means -

- (a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal

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, 2000, or any other law, as the case may be;

“Dangerous Goods” means any flammable gas, flammable liquid or flammable solid as contemplated in SABS 0228;

“Dwelling House” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

“Dump” means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

“Emergency” means any incident or eventuality which seriously endangers or may endanger any person or property;

“Emergency Evacuation Plan” means an emergency evacuation plan contemplated in section 17;

“Emergency Route” means that part of any escape route which-

- (a) protects the occupiers of any building from fire; and
- (b) leads to an escape door;

“Enclosed Place” in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

“Escape Door” means any door at the end of an emergency route and includes any door providing entrance to, or exit from, 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;

“Explosives” means explosives as defined in section 1 of the Explosives Act, 2003 (Act No. 15 of 2003)

“Explosives Act” means the Explosives Act, 2003 (Act No. 15 of 2003), and any regulations made under that Act;

“Extinguishing Stream” means the amount of water that the Service needs in order to extinguish a fire;

“Feeder Route” means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

“Fire Brigade Services Act” means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;

“Fire Damper” means an automatic damper, including its assembly, which complies with the requirements of SABS 193;

“Fire-Fighting Equipment” means any portable or mobile fire extinguisher, hose reel or fire hydrant;

“Fire Installation” means any water installation which conveys water solely for the purposes of fire-fighting;

“Fireworks” means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

“Fireworks Display” means the use of fireworks for purposes of a public display;

“Flammable Gas” means a gas which at 20oC and a standard pressure of 101,3

kilopascals-(a) is ignitable when in a mixture of 13% or less (by volume) with air; or
(b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

“Flammable Liquid” means a liquid or combustible liquid which has a closed cap flash point of 93oC or below;

“Flammable Substance” means any flammable liquid, combustible liquid or flammable gas; “Group I, II, III, V, VI, VIII and IX hazardous substances” means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

“Hazardous Substance” means any hazardous substance contemplated in the Hazardous Substances Act;

“Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

“Liquified Petroleum Gas” means a mixture of light hydrocarbons (predominantly propane, propene, butane, butene) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

“Member” means a member of the Service and includes the Chief Fire Officer;

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

“Occupier” means any person who occupies or has control over any premises;

“Owner” in relation to premises, means the registered owner of the premises and includes -

- (a) any person who receives rental or profit from the premises, whether on own account or as agent;
- (b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
- (c) an executor or curator of any deceased or insolvent estate;

“Premises” means any land, building, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

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

“Public Gathering” includes any gathering by members of the public-

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

“Public Place” means any path, street, walk-way, side-walk, park, place of rest or other place to which the public has authorised or unimpeded access;

“Pyrotechnist” means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

“Registered Premises” means any premises in respect of which a certificate of

registration has been issued;

“SABS” means the South African Bureau of Standards contemplated in section 2 of the Standards Act, No. 29 of 1993, and SABS followed by any number means a reference to a SABS code of practice, specification or standard of the corresponding number;

“Service” means the Fire Brigade Service established and maintained by the Council as contemplated in section 95;

“Service Installation” means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

“Spray” means to spray, coat, plate or epoxy-coat with any hazardous substance and

“Spraying” has a corresponding meaning;

“Spraying Permit” means a permit contemplated in section 79;

“Spraying Room” means a room contemplated in section 83;

“Storage Vessel” means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

“Store Room” means a room for storage of flammable substances contemplated in section 49;

“Underground Tank” means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

"Use" in relation to fireworks means discharging, lighting or igniting;

"Vegetation" includes grass, weeds, leaves, shrubs and trees; and

"Vehicle" includes a trailer or semi-trailer which-

- (a) has at least 4 wheels with independent axles and suspension systems; and
- (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.

"Water Installation" means a water installation as defined in the Council's Water Services By-law.

(2) If any provision in these by-law 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.

PART B APPLICATION OF BY-LAW

2. Application of By-law

These by-law apply -

- (a) within the area of jurisdiction of the Council; and
- (b) in addition to any applicable national or provincial law.

PART C FIRE PREVENTION AND FIRE PROTECTION FIRE PREVENTION

3. Certain fires prohibited

- (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (2) No person may burn or allow any other person to burn any refuse or combustible material-
 - (a) without the prior written permission of the Chief Fire Officer; or
 - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (4) The prohibition in subsection (2) does not apply to any fire made-
 - (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
 - (b) for the purpose of preparing food on private premises set aside for that purpose; or
 - (c) in any device for preparing food which -
 - (i) is heated by electricity or liquified petroleum gas; and
 - (ii) is so positioned that the fire does not endanger any person, animal or property.

4. Storage and accumulation of combustible material prohibited

- (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the

property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by -

- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
- (b) pruning, chopping down or sawing any shrub or tree; and
- (c) removing any resulting combustible residue from the property.

5. Electrical fittings, equipment and appliances

No person may cause or allow -

- (a) any electrical supply outlet to be overloaded; or
- (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.

6. Flame-emitting devices

No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.

7. Safety fire-breaks required

(1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-

- (a) is at least 5 metres wide (when measured parallel from the boundary concerned); and

(b) contains no vegetation or combustible residue.

(2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 metre-wide safety fire-break around that obstruction.

(3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer.

(4) Any person who intends to clear or maintain a safety fire-break by burning must-

- (a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and

(b) unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.

FIRE PROTECTION

8. Design and construction of buildings

(1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that -

(a) provides for -

(i) the effective drainage of any water that may result from fire-extinguishing activities; and

(ii) the discharge of that water directly into a storm water drain;

(b) prevents any water that may result from fire-extinguishing activities from draining-

(i) down any stairway or lift shaft;

(ii) down any electrical shaft or telecommunications service shaft;

(iii) down any shaft that is connected to a basement level; or

(iv) along any approach to a building or any vehicle access ramp leading to or from a building;

(c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and

(d) complies with the requirements of SABS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.

(2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that-

(a) the transformer room is situated on the ground level;

(b) access to the transformer room is from outside the building; and

(c) there is adequate and ready access to the transformer room for firefighting and maintenance activities.

(3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.

9. Design and construction of dumping sites

(1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-

- (a) the Department of Water Affairs and Forestry; and
- (b) the Council.

10. Design and construction of other structures and sites

(1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -

- (a) any grain silo;
- (b) any atrium;
- (c) any air traffic control tower;
- (d) any tower for telecommunications or other uses;
- (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
- (f) any tent or other temporary structure for holding a public gathering; and (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.

(2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it-

- (a) complies with a rational design as contemplated by the National Building Regulations and Building Standards Act;
- (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
- (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
- (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
- (e) is equipped with effective earthing devices for the discharge of static electricity.

11. Requirements for sprinkler systems

(1) If a sprinkler system is required in any building in accordance with SABS 0400, SABS 087 (Part III) or SABS 089 (Part I) or if the Council so requires, the owner of the building must ensure that the building is equipped with a sprinkler system.

(2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed -

(a) in accordance with SABS 0287; and

(b) in compliance with the requirements of SABS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.

12. Requirements for extractor fan systems

(1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that-

(a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and

(b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.

(2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.

13. Requirements for emergency exits

(1) Every owner of a building must ensure that any escape door in that building-

(a) is fitted with hinges that open in the direction of escape; and

(b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.

(2) Every owner of a building must ensure that any door in a feeder route-

(a) is a double swing-type door;

(b) is not equipped with any locking mechanism.

(3) Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.

(4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

14. Design, identification and access for fire-fighting and rescue purposes

(1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that-

- (a) at least one elevation of the building fronts onto a street;
- (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
- (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency -
 - (i) of dimensions at least 10 metres wide;
 - (ii) that runs the full length of the side elevation of the building that borders the surface; and
 - (iii) with a carrying capacity of at least 70 metric tons; and
- (d) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.

(2) For purposes of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises-

- (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high; and
- (b) is visible from the street; and
- (c) is maintained in a legible condition at all times.

15. Barricading of vacant buildings

Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Officer -

- (a) remove all combustible waste and refuse from the building; and
- (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.

FIRE FIGHTING EQUIPMENT AND EMERGENCY EVACUATION PLANS**16. Installation and maintenance of fire-fighting equipment**

(1) Every owner of a building must ensure that-

- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
- (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SABS 0105 and SABS 1475;
- (c) all fire-fighting equipment and service installations on the premises are -
 - (i) maintained in a good working condition by a competent person;
 - (ii) inspected and serviced in accordance with manufacturer specifications; and
 - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
- (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months.

(2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must-

- (a) on completing the inspection, service or repairs, as the case may be -
 - (i) certify in writing that the equipment or installation concerned is fully functional; and
 - (ii) furnish that certificate to the owner of the premises; or
- (b) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.

(3) Except for purposes of inspection, service, repair or fire-fighting, no person may

remove or interfere with any fire-fighting equipment or service installation at any premises.

(4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

17. Chief Fire Officer may designate premises for emergency evacuation plans

(1) The Chief Fire Officer may by written notice designate any premises as a premise requiring an emergency evacuation plan.

(2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or occupier.

18. Duties of owner or occupier of designated premises

(1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 17 must -

(a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the Chief Fire Officer in triplicate within 30 days of service of the designation notice;

(b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or occupier to organise a fire protection programme and regular and scheduled fire evacuation drills;

(c) ensure that the emergency evacuation plan is reviewed-

(i) at least every 12 months;

(ii) whenever the floor layout of the premises is changed; and

(iii) whenever the Chief Fire Officer requires revision of the plan;

(d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and all times available in a control room on the premises for inspection by any member of the Service; and

(e) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.

(2) The Chief Fire Officer may in respect of premises designated in terms of section 17

-

- (a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;
 - (b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believes is necessary to ensure the safety of persons and property on the premises; and
 - (c) require the owner or occupier to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.
- Part 4: Certificates of fitness for certain buildings.

CERTIFICATES OF FITNESS FOR CERTAIN BUILDINGS

19. Prohibition of public gatherings in certain circumstances

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these By-laws, unless after that date -
 - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
 - (b) ownership or control of the building or structure changes.

20. Application for certificate of fitness

- (1) Every owner of a building or temporary structure intended for the holding of a public gathering must -
 - (a) complete and submit to the Chief Fire Officer an application form for a certificate of fitness in the form and manner determined by the Council; and
 - (b) pay the prescribed fee.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.

21. Requirements for certificate of fitness

The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure -

- (a) unless the Council is in possession of an up-to-date set of building plans for the premises;
- (b) unless the building or temporary structure complies with the requirements of these By-laws; and
- (c) for a period of validity exceeding 12 months.

22. Form and content of certificate of fitness

A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:

- (a) The trade name and street address of each occupier of the building or temporary structure;
- (b) a description of the type of activity carried on by each occupier of the building or structure;
- (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
- (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
- (e) the number of emergency exits and their dimensions; and
- (f) the dates of issue and expiry of the certificate and its serial number.

23. Duties of holder of certificate of fitness

The holder of a certificate of fitness must -

- (a) comply with the provisions of the certificate of fitness;
- (b) at all times -
 - (i) display the certificate prominently on the premises; and
 - (ii) maintain the certificate in a legible condition;
- (c) immediately notify the Chief Fire Officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure; and
- (d) submit any application for renewal of the certificate of fitness at least 30 days

before its expiry in the form and manner determined by the Council together with the prescribed fee.

24. Cancellation of certificate of fitness

(1) The Chief Fire Officer may cancel any certificate of fitness in respect of a building or temporary structure if he or she has reason to believe that -

- (a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
- (b) the building or structure contravenes or does not comply with the requirements of these By-laws.

(2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must -

- (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
- (b) give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter; and
- (c) consider any representations received.

(3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in subsection (2)(b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.

(4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he or she must -

- (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
- (b) provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and
- (c) consider any representations received.

(5) The Chief Fire Officer may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the certificate of fitness.

WATER SUPPLY FOR FIRE-FIGHTING PURPOSES

25. Township development water supply requirements

(1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of firefighting by members of the Service.

(2) Every person who develops or redevelops a township must ensure that -

(a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these By-laws;

(b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and

(c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.

(3) Subsection (2)(c) is deemed to be satisfied, if -

(a) the water is supplied to the township from more than one reservoir;

(b) each reservoir receives water from a separate supply main and pump; and

(c) the reservoirs are connected to each other.

(4) Every person who develops or redevelops a township must ensure that -

(a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and

(b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 28, the water reticulation system is adapted without delay so as to comply with the requirements of sections 26 and 27.

26. Township development fire-extinguishing stream requirements

Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to members of the Service in an emergency.

27. Township development fire hydrant requirements

(1) Every person who develops or redevelops a township must ensure that the position of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

28. Fire risk categories

(1) For purposes of sections 26 and 27, the following areas of a township must be regarded -

(a) as high risk -

- (i) any factory area, high density shopping area, warehouse or commercial building;
- (ii) any plantation, timber yard or wooden building;
- (iii) any building higher than 3 storeys;
- (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
- (v) any other area that has a high fire risk or high fire spread risk;

(b) as moderate risk -

(i) any area in which -

- (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
- (bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;

(ii) any area where the fire risk and spread risk of fire is moderate; and

(iii) any other area that is not a high or low risk area; and

(c) as low risk -

- (i) any area that is mainly residential or semi-rural;
- (ii) any area that has predominantly detached, duet, cluster or town house developments; and
- (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

29. Connections to water reticulation system

(1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been

approved by the Chief Fire Officer.

(2) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must -

(a) if the premises to be connected are protected by a sprinkler installation, ensure that -

(i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and

(ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;

(b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;

(c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SABS 0400 (Part W); and

(d) ensure that the water installation upon completion complies with the provisions of SABS-1:1994.

PART D
CONTROL OF FIREWORKS

30. Use of fireworks prohibited in certain circumstances

- (1) Unless so authorised in terms of section 33, no person may use fireworks -
- (a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
 - (b) inside any building;
 - (c) on any agricultural holding;
 - (d) at any public place; or
 - (e) at any school, old age home or hospital.
- (2) No person may light or ignite fireworks in any place where animals are present.
- (3) Unless so authorised in terms of section 33, no person may light or ignite fireworks on any day or at any time except -
- (a) New Years Eve from 23h00 to 01h00;
 - (b) New Years Day from 19h00 to 22h00;
 - (c) Hindu New Year from 19h00 to 22h00;
 - (d) Lag b'omer from 19h00 to 22h00;
 - (e) Chinese New Year from 19h00 to 22h00;
 - (f) Human Rights Day from 19h00 to 22h00;
 - (g) Freedom Day from 19h00 to 22h00;
 - (h) Guy Fawkes Day from 19h00 to 22h00;
 - (i) Divali from 19h00 to 22h00;
 - (j) Christmas Eve from 19h00 to 22h00; and
 - (k) Day of Goodwill from 19h00 to 22h00.
- (4) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) or (3).

31. Fireworks displays prohibited unless authorised

No person may present a fireworks display unless -

- (a) authorised to do so by the Council as contemplated in section 33;
- (b) authorised to do so by the Civil Aviation Authority and the Chief Inspector of

Explosives;

- (c) the display is at all times under that person's supervision and control;
- (d) the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
- (e) that person has ensured that -
 - (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- (f) a pyrotechnist is at all times present and responsible for the use of fireworks at the display.

32. Application to present fireworks display

(1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:

- (a) Proof of permission for the fireworks display from the Civil Aviation Authority;
- (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
- (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
- (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.

(2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

33. Authority to present fireworks display

(1) If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions

that it may impose to safeguard persons and property.

(2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.

34. Dealing in fireworks

(1) No person may deal in fireworks unless -

- (a) that person holds the required fireworks licence in terms of the Explosives Act; and
- (b) has the written authority of the Chief Fire Officer.

(2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -

- (a) complete an application in the form and manner determined by the Council; and
- (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.

(3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

PART E

CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

35. Use, handling and storage of flammable substances prohibited in certain circumstances

(1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.

(2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.

(3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled

or stored on any premises, unless the flammable substance -

(a) is used, handled or stored in a manner that ensures that -

(i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;

(ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or (b) is used, handled or stored -

(i) in a naturally ventilated room that prevents the accumulation of fumes or gas;

(ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or

(c) the flammable substance is stored in strong, gas-tight and labeled containers.

36. Application for certificate of registration for flammable substances

An application for a certificate of registration contemplated in section 35(1) must be completed and submitted in the form and manner determined by the Council, together with the prescribed fee.

37. Issue of certificate of registration

(1) If the Chief Fire Officer issues a certificate of registration to any person, that Officer must endorse on the certificate -

(a) the class and quantity of the flammable substance for which the premises have been registered;

(b) the number of storage tanks or storage facilities on the premises and their capacities;

(c) the number of flammable substance storerooms on the premises and their capacities;

(d) the number of liquified petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;

(e) the number of storage facilities for any other flammable substance and the volume of each such facility;

(f) the period of validity and expiry date of the certificate; and

(g) the physical address of the premises and the name and postal address of the occupant.

(2) A certificate of registration -

- (a) is not transferable between premises;
- (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
- (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.

(3) A certificate of registration is valid only for -

- (a) the installation for which it was issued;
- (b) the state of the premises at the time of issue; and
- (c) for the quantities of flammable substance stated on the certificate.

38. Availability of certificate of registration at premises

The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member of the Service.

39. Fire-fighting equipment

(1) Any person who holds a certificate of registration or other authorization contemplated in these By-laws must ensure that the premises to which the authorisation applies, are equipped with -

- (a) subject to the provisions of subsection (6), portable fire extinguishers -
 - (i) as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type);
 - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
- (b) if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply-
 - (i) as contemplated in SABS 0400 (Part W); and
 - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
- (c) if applicable, fire hydrants -
 - (i) with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment-couplings); and

- (ii) in a ratio of at 1 to every 1000 square metres or part thereof. and
- (d) if applicable, in relation to any above-ground facility, a sprinkler system or delute system that -
 - (i) is approved by the Chief Fire Officer; and
 - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may -
 - (a) specify the type of fire extinguisher to be installed;
 - (b) require that a greater number of fire extinguishers be installed; and
 - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorization contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (1) -
 - (a) is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer -
 - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - (ii) at least every 12 months;
 - (b) if installed outside the premises, is adequately protected from the weather; and
 - (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign -
 - (i) in accordance with the specifications of SABS 1186; and
 - (ii) to the satisfaction of the Chief Fire Officer.

40. Amendment to certificate of registration

The Chief Fire Officer may amend any certificate of registration on application by the holder.

41. Cancellation of certificate of registration

The provisions of section 24, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

42. Renewal of certificate of registration

Any application for the renewal of a certificate of registration must be submitted to the Chief Fire Officer at least 30 days prior to the expiry date of the certificate.

43. No authorisation required for certain motor vehicle fuel tanks

No certificate of registration contemplated in section 35 or any other authorization contemplated in these by-laws is required in respect of flammable liquids in a fuel tank -

- (a) of any motor vehicle; and
- (b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

44. Record of certificates of registration

The Chief Fire Officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed,

PART F**GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF
FLAMMABLE SUBSTANCES****45. General prohibitions regarding use, handling and storage of flammable substances**

(1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may -

- (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
- (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.

(2) No person may -

- (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
- (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of these By-laws;
- (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
- (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
- (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus -
 - (i) fill or allow the filling of its fuel tank; or
 - (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
- (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

46. Use, handling and storage of liquefied petroleum gas

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless -
 - (a) the person is in possession of a certificate of registration contemplated in section 35; and
 - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SABS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SABS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail

purposes must comply with SABS 087, Part 7.

(4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.

(5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned .

(6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.

(7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms fo subsection (6).

47. Display of symbolic warning signs required

(1) The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs -

- (a) prohibiting smoking and open flames;
- (b) of a size and number determined by the Chief Fire Officer; and
- (c) prominently in places where the signs can be clearly observed.

(2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

48. Duty to report fires, accidents and dumping

If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the Chief Fire Officer.

PART G**STORAGE OF FLAMMABLE SUBSTANCES****49. Storage of flammable substances prohibited in certain circumstances**

No person may store or allow the storage of any flammable substance in any storeroom unless -

(a) that person has a certificate of registration contemplated in section 35; and (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

50. Symbolic safety signs must be displayed

The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that-

(a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom -

(i) of a number determined by the Chief Fire Officer;

(ii) of dimensions at least 290 millimetres by 200 millimetres; and

(iii) manufactured in accordance with SABS 1186;

(b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.

51. Construction of flammable substance storerooms

Every storeroom must be designed and constructed according to the following criteria:

(a) The storeroom floor must consist of concrete;

(b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;

(c) the storeroom roof must consist of -

(i) reinforced concrete with a fire resistance of at least 120 minutes; or

(ii) any other non-combustible material, if the storeroom -

(aa) boundary of the premises; or

(bb) adjoins a higher wall with no opening within 10 metres is not situated within 5

metres of any adjacent building or above and 5 metres on either side of the storeroom.

52. Requirements for storeroom doors

- (1) Every storeroom must be equipped with a fire rated fire door that -
- (a) is manufactured and installed in accordance with SABS 1253;
 - (b) opens to the outside;
 - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
 - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on -
- (a) external walls, be “B” class fire doors; and
 - (b) internal walls in communication within a building, be “D” class fire doors.

53. Requirements for storeroom windows

- (1) Every storeroom window frame must -
- (a) consist of steel;
 - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
 - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.

54. Requirements for storeroom catch pits

- (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit -
- (a) with a holding capacity at least equal to the total volume of hazardous substances

capable of being stored in the storeroom, plus 10 percent; and

(b) if required by the Chief Fire Officer -

(i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and

(ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.

(2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.

55. Ventilation of storerooms

(1) Every storeroom must be designed and constructed to ensure -

(a) the effective ventilation of flammable substance fumes;

(b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.

(2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks -

(a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;

(b) that are provided in at least 3 external walls of the storeroom; and

(c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.

(3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system -

(a) designed and installed for this purpose;

(b) with a flow rate of 0,5 meters / second across the store;

(c) with vanes that consist of a static-free material;

(d) that discharges through a vertical metal duct into the open air -

(i) not situated within 5 metres of any opening of a building or erf boundary; and

(ii) terminating at least 1 metre above roof height or at least 3.6 meters above ground level, whichever is the greater;

- (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
- (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
- (g) equipped with ducting material that -
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

56 Electrical equipment in storerooms

- (1) The owner or person in charge of any storeroom must ensure that -
 - (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SABS 0108;
 - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SABS 0108, is situated -
 - (i) inside the storeroom; or
 - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
 - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
 - (d) any mechanical ventilation system switch is situated outside the storeroom;
 - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
 - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.

(3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the Chief Fire Officer for record purposes immediately after installation contemplated in that subsection.

57. Foam inlets required for certain storerooms

The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure -

- (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
- (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words “foam inlet”.

58. Shelving in storerooms

The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.

59. Unauthorised use and entry of storerooms prohibited

No person may -

- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
- (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
- (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
- (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

60. Mixing and decanting rooms

The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

61. Temporary above ground storage of flammable substances

(1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.

(2) A temporary certificate of registration may be issued by the Chief Fire Officer -

(a) for a period not exceeding 12 months;

(b) if the flammable substance concerned is required -

(i) in respect of excavation work, construction work or road

construction if the volume of the flammable substance does not exceed 9 000 litres;

(ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and

(iii) the application complies with the requirements of SABS 0131 and this Chapter.

(3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that -

(a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;

(b) adequate provision is made for rainwater run-off from retaining walls or embankments;

(c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;

(d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and

(e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.

62. Hand tools must be intrinsically safe

The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.

63. Permanent above ground storage tanks for flammable liquids

(1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure -

(a) that the tank is erected or installed -

(i) in accordance with SABS 0131 and SABS 089, Part I;

(ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;

(b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SABS 0232, Part 1.

(2) Any electrical installation associated with the storage tank must comply with SABS 0108 and SABS 089, Part 2.

64. Underground storage tanks for flammable liquids

The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SABS 0400, SABS 089, Part 3 and SABS 0131.

65. Installing, erecting, removing and demolishing prohibited without prior notice

(1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.

(2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.

(3) The provisions of subsection (1) do not apply to -

(a) the temporary removal of equipment for purposes of carrying out necessary repairs;

(b) the necessary replacement of equipment or their parts; and

(c) the replacement of any storage tank with a tank of the same capacity.

66. Repair and maintenance of access to storage tanks

No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance -

(a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SABS 089 (Part I); or

(b) unless that person -

(i) is wearing an effective self-supporting breathing apparatus; and

(ii) is attached to a rescue rope under the control of a competent and responsible person.

67. Termination of storage and use of flammable substances

(1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -

(a) notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;

(b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;

(c) unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and

(d) to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.

(2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.

68. Container handling and storage

(1) Every flammable substance container must -

- (a) be kept closed when not in use;
- (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
- (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the Chief Fire Officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he or she is satisfied that -
 - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
 - (c) the fence supports are of steel or reinforced concrete;
 - (d) the storage area has an outward opening gate that is kept locked when not in use;
 - (e) when the floor area exceeds 10 m² an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 liters of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.

PART H**TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS****69. Transport of dangerous goods prohibited without permits**

The owner of any vehicle used for transporting dangerous goods, must -

- (a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and
- (b) ensure that the transport permit is available in the vehicle for inspection at all times.

70. Application for transport permits

An application for a transport permit must be completed and submitted to the Chief Fire Officer in the form and manner determined by the Council together with the prescribed fee.

71. Requirements of transport permits

A transport permit -

- (a) may not be issued by the Chief Fire Officer for a period longer than 12 months; and
- (b) must -
 - (i) indicate the date of issue and expiry;
 - (ii) identify the issuing officer and bear that officer's signature;
 - (iii) contain a serial number;
 - (iv) indicate the group and quantity of dangerous goods that may be transported under the permit; and
 - (v) contain a description of the vehicle concerned, including its registration number.

72. Cancellation of transport permit

The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

73. Exemption from transport permits

A transport permit contemplated in section 69 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

74. Design, construction, maintenance and repair of road tankers

Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -

- (a) comply with the provisions of SABS 0189, SABS 1398, SABS 0233, SABS 087, Part 6 SABS 089, Part 1, SABS 0230 and SABS 1518, as the case may be; and
- (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SABS 0232 and any applicable law.

75. Design, construction, maintenance and repair of other vehicles

Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle -

- (a) is designed and constructed -
 - (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
- (b) is equipped with -
 - (i) a safety edge or safety railing -
 - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
 - (bb) capable of securing dangerous goods containers;
 - (ii) strong and durable straps -
 - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle;
 - (bb) that are anchored firmly to the bodywork of the vehicle; and
 - (cc) that are fitted with a reversible cog winch mechanism that can be locked;
 - (iii) electrical wiring that complies with SABS 314;
 - (iv) at least 2 static-free wheel blocks;
 - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily

accessible in any emergency; and

(vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

76. General prohibitions regarding transport of dangerous goods

(1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless -

(a) the vehicle has a valid roadworthy certificate;

(b) if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers -

(i) designed and manufactured in accordance with SABS 810 and maintained in accordance with SABS 0105 and SABS 1475; and

(ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.

(2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

77. Supply of dangerous goods prohibited in certain circumstances

(1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 35.

(2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.

(3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.

(4) Every person who delivers dangerous goods must ensure that -

(a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;

(b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;

(c) while delivering -

(i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;

(ii) the delivery vehicle is not parked on or across a pavement or a road;

(iii) no delivery hose lies on or across a pavement, road or other premises;

(d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 6 and the provisions of SABS 0263;

(e) any device connected with, or used for, the delivery of the dangerous goods -

(i) is designed for its purpose; and

(ii) is maintained in safe and good working condition; and

(f) no dangerous goods are spilled during delivery.

(5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.

(6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

78. Records of transport permits

The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

PART I SPRAY PAINTING

79. Spraying prohibited without spraying permit

(1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxycoated with any flammable substance unless -

(a) that person is in possession of a spraying permit contemplated in section 80;

(b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

80. Application for spraying permit

Any person who wishes to obtain a spraying permit must -

(a) complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and (b) pay the prescribed fee.

81. Cancellation of spraying permit

The provisions of section 24, read with the necessary changes, apply to the cancellation by the Chief Fire Officer of any spraying permit.

82. Duties of owner, occupier or person in charge of spraying room

Every owner, occupier and person in charge of a spraying room must ensure that -

(a) the spraying room complies with the requirements of this Chapter; and
(b) every other person on the premises complies with the provisions of this Chapter.

83. Design and construction of spraying rooms

(1) Every spraying room must be designed and constructed according to the following criteria:

- (a) every window frame must consist of steel with window panels -
 - (i) that cannot be opened;
 - (ii) that do not exceed 450 millimetres x 450 millimetres in size; and
 - (iii) that are fitted with wire glass with a thickness not less than 8 millimetres;
- (b) if based on a brick and concrete construction -
 - (i) the floor must consist of concrete;
 - (ii) the walls must consist of brick or concrete;
 - (iii) the roof must consist of reinforced concrete; and
 - (iv) every door must consist of a Class B-type fire doors as contemplated in SABS 1253; and
- (c) if based on a metal structure -
 - (i) the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5 millimetres;
 - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimetres;

- (iii) the framework of the entire structure must be fume-proof, flameproof and liquid-proof;
- (iv) the floor must consist of concrete or metal;
- (v) all material used must have a fire integrity grading of at least 60 minutes; and
- (vi) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

84. Water floors for spraying rooms

Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that -

- (a) the water is covered at the level of the sill by a sturdy, stable, noncombustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room; and
- (b) the water in the sunken water floor is circulated through an effective noncombustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

85. Electrical equipment in spraying rooms

- (1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SABS 0108.
- (2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SABS 0108 must -
 - (a) be located outside the spraying room; and
 - (b) be positioned so as not to come into contact with fumes from the spraying room.
- (3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
- (4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
- (5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must -
 - (a) certify in writing that the installation complies with all applicable legal

requirements; and

(b) furnish the certificate to the owner or person responsible for the premises concerned.

(6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

86. Location of spraying rooms

(1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned-

(a) of at least 1200 millimetres wide; and

(b) that must at all times be kept free of any obstruction, refuse or combustible material.

(2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall -

(a) of a height at least 300 millimetres higher than the roof of the spraying room; and

(b) with a fire resistance of at least 60 minutes.

(3) No more than two sides of a spraying room contemplated in section 83(1)(c), may border a fire partition wall.

87. Access to spraying rooms

In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that -

(a) open to the outside of the spraying room;

(b) have dimensions of at least 800 millimetres wide x 2000 millimetres high;

(c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 metres; and

(d) are fitted with a locking mechanism that is at all times capable of being opened

from the inside of the spraying room without the use of a key.

88. Ventilation of spraying rooms

Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed -

- (a) so that ventilation of at least 0.5 metres per second is provided across the spraying room;
- (b) with vanes consisting of static-free material;
- (c) so that it releases fumes into the open air from outlets that are not located within 5 metres of any opening of a building or erf boundary;
- (d) with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
- (e) with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
- (f) with ducting material that is fitted with a fire damper and covering of at least 120 minutes fire resistance where the ducting material exists the spraying room, if ducting material is installed external to the spraying room in communication with the remainder of the building concerned.

89. Fire dampers, protectors and alarms in spraying rooms

(1) A fire damper manufactured and installed in accordance with SABS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.

(2) The fire damper must -

- (a) be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10oC in the predetermined working temperature inside the spraying room;
- (b) be installed so that it will remain in position even if the air duct distorts during a fire; and
- (c) be equipped with an overriding fusible link.

(3) The ventilation system must be equipped with a sensor that -

- (a) is 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 a rise of more than 10oC in the predetermined working temperature inside the spraying room; and
(b) activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

90. Design and positioning of ventilation outlets for spraying rooms

Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -

- (a) 1 metre above any roof on the premises;
- (b) 4 metres above the ground level; and
- (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

91. Display of signs on spraying rooms

- (1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.
- (2) Any symbolic sign contemplated in subsection (1), must be -
 - (a) manufactured and installed in accordance with SABS 1186; and
 - (b) of dimensions at least 290 millimetres by 290 millimetres.

92. Manifold installations in spraying rooms

Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must -

- (a) comply with SABS 087 (Part 1); and
- (b) the requirements of these By-laws.

93. General prohibitions regarding spraying rooms

No person may -

- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 91;
- (b) enter a spraying room or allow any other person to enter a spraying room without

- the authority of the owner, occupier or person in control of the spraying room;
- (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
 - (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
 - (e) place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

94. Fire extinguishing equipment in spraying rooms

- (1) Every spraying room must be equipped with -
 - (a) at least one 9 kilogram dry chemical fire extinguisher installed on the inside of the spraying room; and
 - (b) at least one 9 kilogram dry chemical fire extinguisher installed on the outside of the spraying room.
- (2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.
- (3) Every spraying room must be protected by at least one fire hose reel as specified in SABS 543 -
 - (a) that is connected to a water supply as contemplated in SABS 0400 (Part W); and
 - (b) that enables the hose reel to maintain a flow of at least 0.5 litres per second at a work pressure of at least 300 kPa.

PART J**FIRE BRIGADE SERVICES****95. Establishment and maintenance of Service**

- (1) The Council has established a Fire Brigade Service as contemplated in section 3 of the Fire Brigade Services Act.
- (2) The Council must maintain the Service, which includes -
 - (a) appointing a Chief Fire Officer and the necessary members of the Service;
 - (b) ensuring that they are properly trained; and
 - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices

and accessories to ensure that the Service is effective and able to fulfil its objects.

96. Objects of Service

The objects of the Service are -

- (a) to prevent the outbreak and spread of fire;
- (b) to fight and extinguish any fire that endangers any person or property;
- (c) to protect any person and property against any fire hazard or other danger contemplated in these By-laws; and
- (d) to rescue any person and property from any fire or other danger contemplated in these By-laws.

97. Services to other persons

- (1) The Service may, provide any service related to its objects to any other person against payment of the prescribed fee.
- (2) Any service contemplated in subsection (1), may be terminated without notice if the services, equipment or personnel involved in providing that service are required to deal with an emergency.

98. Instructions by members of Service

- (1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction -
 - (a) for the immediate evacuation of any premises;
 - (b) to close any premises until such time as any contravention of these Bylaws has been rectified;
 - (c) to cease any activity;
 - (d) to remove any immediate threat to the safety of any person or property;

(e) to take specified steps to comply with these By-laws, either immediately or within a specified period; and

(f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these By-laws.

99. Pretending to be member of Service prohibited

(1) No person may pretend to be a member.

(2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

100. Certificates to identify members of Service

(1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.

(2) A member, while performing any function or exercising any power under these By-laws must -

(a) keep the certificate provided in terms of subsection (1), on his or her person; and

(b) produce it for inspection on request by any person.

101. Cost of analysis samples

(1) Any costs incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these By-laws, and a report on such analysis by an institution accredited by the Chief Fire Officer for that purpose may be recovered from the owner or occupier of that premises if the owner or occupier of the premises is not in compliance with these By-laws regarding the substance concerned.

PART K
MISCELLANEOUS

102. Handling of animals during emergencies

(1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.

(2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.

(3) The Council may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or occupier of the premises concerned.

103. Exemption from provisions of these by-laws

(1) Any person may make application to the Council in writing, for an exemption from any provision of these By-laws, specifying the reasons for exemption in such application.

(2) The Council may grant an exemption -

(a) in general or in particular;

(b) for any period; and

(c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these By-laws.

(3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.

(4) The Council may amend or withdraw a certificate of exemption at any time.

(5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

104. Approval, authorisation or permission under these by-laws

Any person who requires any approval, authorisation or permission contemplated in these By-laws, in respect of which no application procedure is provided, must apply for that approval, authorisation or permission -

- (a) by completing and submitting an application in the form and manner determined by the Council; and
- (b) by paying the prescribed fee.

105. Cancellation of approval, authorisation or permission

The provisions of section 24, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 104.

106. By-laws bind Municipality

These By-laws bind the Municipality and any person in the service of the Municipality.

107. Offences and penalties

Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws;
- (b) fails to comply with any notice issued or displayed in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these By-laws; is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

108. Short title

These By-law is called the Emergency Services By-Law.

SCHEDULE 1
GUIDELINE FOR EMERGENCY EVACUATION PLANS

1. Content of emergency evacuation plans

Every emergency evacuation plan contemplated in section 17 must contain at least the information under the headings below.

(1) Emergency telephone numbers: A list of all relevant emergency telephone numbers.

(2) General information

(a) the physical address of the premises;

(b) a description of the activities on the premises;

(c) the number of persons present on the premises at any time;

(d) an indication of any control room on the premises;

(e) an indication of any alarm system on the premises; and

(f) the particulars and contact details of every responsible person in the event of an emergency;

(3) Area study

An area study addressing the following:

(a) a history of emergency incidents on the premises;

(b) any important and relevant features or landmarks regarding the premises; and

(c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

(4) Socio-economic or other threats

Any socio-economic or other threats and their potential impact on the premises.

(5) Details of available equipment

Particulars and details regarding the position of the following equipment:

(a) Equipment in the control room;

(b) fire fighting and first aid equipment on the premises; and

(c) any other equipment which may be relevant in an emergency.

(6) The emergency team

Particulars and details regarding the identity of members of the emergency team, including -

- (a) its management;
- (b) the continuity officers;
- (c) the fire teams; and
- (d) the first aid teams.

(7) Duties of emergency team members

The duties and responsibilities of members of the emergency team.

(8) Action plans and emergency procedures

Details of the specific action plans and emergency procedures applicable to the premises.

(9) Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

(10) Emergency plan register

The plan must include -

- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

2. Review of emergency evacuation plans

(1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.

(2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

3. Emergency evacuation drills

- (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

4. Emergency evacuation awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

5. Training of persons

Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -

- (a) first aid or fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

SCHEDULE 2**EXEMPTION FROM CERTIFICATE OF REGISTRATION**

A certificate of registration is in in terms of section 35(2) not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

SCHEDULE 3**EXEMPTION FROM TRANSPORT PERMIT**

A transport permit is in terms of section 73 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

SCHEDULE 4

SABS CODES OF PRACTICE AND SPECIFICATIONS

| SABS Code | Title |
|--------------------|--|
| SABS 019 | Portable metal containers for compressed gas - basic design, manufacture, use and maintenance. |
| SABS 087 : Part 1 | The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation. |
| SABS 087 : Part 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 5000l. |
| SABS 087 : Part 4 | The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road. |
| SABS 087 : Part 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. |
| SABS 089 : Part 1 | The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations. |
| SABS 089 : Part 2 | The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector. |
| SABS 0105 : Part 1 | The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers. |
| SABS 0108 | The classification of hazardous locations and the selection of apparatus for use in such locations. |
| SABS 0131 | The handling and storage of liquid fuel, Part 2: Large consumer premises. |
| SABS 0142 | The wiring of premises. |
| SABS 0177 : Part 5 | The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials. |
| SABS 193 | Fire dampers. |
| SABS 0228 | The identification and classification of dangerous substances and goods. |
| SABS 0230 | Transportation of dangerous goods: Inspection requirements of road vehicles. |
| SABS 0232 : Part 1 | Transportation of dangerous goods - Emergency information systems, Part 1: Emergency information systems for road |

THABAZIMBI LOCAL MUNICIPALITY

DRAFT MUNICIPAL BY-LAWS

| SABS Code | Title |
|--------------------|--|
| | transportation. |
| SABS 0263 | The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards. |
| SABS 0400 | The application of the National Building Regulations. |
| SABS 1186 : Part 1 | Symbolic safety signs, Part 1: Standard signs and general requirements. |
| SABS 1253 | Fire doors and fire shutters. |
| SABS 1398 | Road tank vehicles for flammable liquids. |
| SABS 1475 : Part 1 | The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers. |
| SABS 1518 | Transportation of dangerous goods - Design requirements for road tankers. |
| SABS 1571 | Transportable rechargeable fire extinguishers. |
| SABS 1573 | Portable rechargeable fire extinguishers - Foam type extinguishers. |

3. CEMETERIES AND CREMATORIA

1. Purpose of the By-Law

- To provide for cemeteries for the burial of dead bodies;
- To provide for procedures, methods and practices to regulate the burial and exhumation of dead bodies, the provision of grave plots and the maintenance thereof.

2. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa:

“Berm” means a concrete strip laid by the Municipality on a grave plot, on which a memorial stone, if any, is to be erected;

“Body” shall mean any dead human body, including the body of any stillborn child;

“Burial” means burial in the earth or some other form of internment and shall include any other mode of disposal of a body;

“Burial Order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

“Cemetery” means any burial place which, as contemplated in section 3, has been duly set apart by the Municipality for the burial or disposal of bodies within the municipal area;

“Holder Of Reservation Certificate” means a person to whom a certificate has been issued in terms of section 10 or transferred to in terms of section 11;

“Municipal Area” means the area described in Clause 2(1) of the Establishment Notice published under Provincial Notice 487 dated 22 September 2000;

“Municipality” means Thabazimbi Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

“Name” includes any identifying description of a deceased human being who possessed no name or whose name is unknown.

3. Application

This by-law shall be applicable in the municipal area of Thabazimbi.

4. Establishment

The Municipality may set apart any area as a cemetery for the burial of the dead of any religious denomination or other body or community; provided that such setting apart shall not entitle any person to be buried in any particular place in a cemetery.

5. Control

Cemeteries shall be under the control of the Municipality.

6. Authority for burial

(1) No person shall bury any body in the earth or cause such body to be so buried within the municipal area other than in a cemetery.

(2) (a) No body shall be buried in the earth in a cemetery within the municipal area permission of the municipality.

(b) Such permission shall not be given without a burial order authorising such burial, and payment of the fees determined by the municipality. If the grave plot has been reserved in terms of section 10, the certificate concerned shall be produced in lieu of payment of the relevant fees.

- (3) The municipality may at its discretion, in such manner as it may deem fit; allow the burial of any body without charge in that portion of a cemetery set apart for such purpose.

7. Hours of burial

Except with the permission of the municipality, who shall record the circumstances under which such permission is granted, no person shall bury a body in a cemetery during the hours between sunset and sunrise.

8. Register of burials

- (1) The municipality shall keep a register of burials and of graves.
- (2) Such register shall be completed as far as possible immediately after a burial has taken place.

9. Demarcation of grave plots

The municipality shall demarcate grave plots in accordance with an approved layout plan.

10. General provisions relating to cemeteries and burials

- (1) No person under the age of 12 years shall enter any cemetery unless he is in the care of an adult or he does so with the approval of the municipality.
- (2) No person shall enter or leave any cemetery except by the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery except on business.

- (3) No person shall carry on any trade or solicit any business, or exhibit, distribute or leave any business card or advertisement, within any cemetery, except on sites specifically determined and set apart for such purposes.
- (4) No person shall sit, stand or climb upon any grave, tombstone, work, gate, wall, fence or building in any cemetery.
- (5) No person shall bring or cause to be brought any animal into any cemetery without the permission of the municipality.
- (6) No person shall obstruct, resist or oppose the municipality or any employee of the municipality in the course of his duty, or refuse to comply with any order or request which the municipality may give or make under this by-law.
- (7) No person shall destroy or do or cause to be done any damage to, or shall mark or draw or erect any advertisement, bill or placard upon, or in any other way deface any grave, tombstone, monument, wall, building, fence, railing or other structure or any road in any cemetery.
- (8) Except where it is expressly permitted by this by-law or the consent of the municipality has been obtained, no person shall disturb the soil, or plant or uproot any plant, shrub or flowering plant, or in any way interfere with any grave or structure in any cemetery.
- (9) No person shall play any game or take part in any sport or fire any firearm or discharge any airgun or catapult, or disturb or interfere with any person in any cemetery.

11. Reservation of grave plots

- (1) (a) Except in the case of grave plots reserved in terms of subsection (2), every grave plot in respect of which a burial has been authorised in terms of this by-law shall be reserved in the name of the next of kin, and, in the event of

there being no known next of kin, in the name of the person applying for the grave.

- (b) Where a burial has been authorised upon application received from a body or an association or institution or the government, the plot allotted for such burial shall be reserved in the name of such body, association or institution or the Government, as the case may be.
- (2) A grave plot for a person of the age of nine years or over as specified in section 15(1) may in the discretion of the municipality be reserved in advance upon application submitted to the municipality and upon payment of the respective grave plot charges as determined by the municipality, provided that no reservation effected in terms of this subsection shall confer the right for the body of a person who at the time of his death was liable for the payment of the additional charges, as determined by the municipality, to be buried in the grave plot in respect of which such reservation was effected, unless such additional charges shall have been paid.
- (3) A certificate of reservation in the form prescribed in the First Schedule to this by-law shall be issued in respect of every grave plot reserved in terms of this by-law.

12. Provisions relating to the transfer of certificates of reservation

- (1) A certificate of reservation in respect of any grave plot may be transferred, assigned or alienated with the written consent of the municipality in the form prescribed in the Second Schedule to this by-law.
- (2) All particulars in regard to every reservation and transfer in terms of section 10 and subsection (1) of this section shall be entered and shown in the register of burial and graves.
- (3) At the request of any religious denomination, the municipality may in such

manner as the municipality may deem fit, set apart within a cemetery such area of land as the municipality may deem necessary for the burial of the bodies of persons belonging to such de-nomination and for the use of persons belonging to such denomination for such other purpose as may in the discretion of the municipality be incidental to the purpose of the cemetery; provided that the municipality may at its discretion utilise the land so set apart for other purposes.

- (4) No persons shall acquire any title to or ownership of any grave plot reserved in terms of section 10 or any land set apart in terms of subsection (3), and no person shall acquire any right to or interest in any such grave plot or land in any cemetery other than such rights or interest as may be permitted under this by-law.

13. Burial orders: Numbering of graves

- (1) A notice of every burial in the form prescribed in the Third Schedule of this by-law shall, together with the burial order concerned, be delivered at the office of the municipality not less than eight working hours before any burial is to take place; provided that where a grave is to be re-opened for a second burial or where a new grave is to be dug, the said notice shall be delivered not less than 24 hours before such burial is to take place unless, in the opinion of the municipality, the burial of the body is a matter of urgency, in which case the time limit specified in this subsection shall not apply.
- (2) Every such notice shall be accompanied by the fees determined by the municipality and, in the case of the prior reservation of a grave plot, also by the certificate of reservation or transfer concerned, as the case may be.
- (3) The municipality shall, as soon as possible, issue the necessary authority for such burial.

14. Removal of monuments or structures

- (1) If it is necessary to remove a monument or other structure for the purpose of a burial, it shall be removed by the holder of the certificate of reservation in

respect of such plot or by his duly authorised representatives not less than eight working hours before the burial is to take place.

15. Grave to be identified

- (1) In every case where a burial has been authorised in terms of section 12, the municipality shall number the plot allotted for such burial and no person shall bury any body in any grave other than that allotted by the municipality for such purpose.

16. Dimensions of graves

- (1) The excavation for a single grave for a deceased person of the age of nine years or over shall be at least 1800mm deep, 2 200 mm long and 750mm wide.
- (2) The excavation for a single grave for a deceased person under the age of nine years shall be at least 1 300mm deep, 1 200mm long and 750mm wide.

17. Provisions relating to grave plots

- (1) The extent of a grave plot for a deceased person of the age of nine years or over shall be 2 500mm by 1 500mm; provided that in the case of a grave plot which is supplied with a berm, the width shall be reduced by 300mm.
- (2) The extent of a grave plot for a deceased person under the age of nine years shall be 1 500mm by 1 000mm.
- (3) The width of a kerb on any grave plot shall be 150mm.
- (4) The extent of any double grave plot shall be double the extent of any single grave plot.
- (5) Where a grave of a greater depth, length or width than that specified is required, application in respect thereof, together with payment of an extra fee, as determined by the municipality, shall be made when notice of burial is

given.

- (6) All graves shall be prepared by the municipality with the exception of bricklined or concretelined graves, in which case the brick work or concrete work shall be carried out by the undertaker under the supervision of the municipality and in conformity with the specifications applicable to ordinary graves.

18. Burials in one grave

- (1) In the case of a family, more than two bodies may be buried in one single grave at the discretion of the municipality; provided that not more than two coffins shall be used; provided further that the lid of the second coffin placed in the grave under no circumstances be less than 900mm from the surface, that, in the event of the reopening of the grave for the purpose of the burial of a further body, a layer of soil not less than 150mm thick shall be left undisturbed above the coffin previously placed in the grave and that, if on the reopening of any grave the soil is found to be offensive, the reopening shall not be proceeded with and the grave shall be refilled.

19. Preparation of graves, and coffins

- (1) All graves shall be prepared under the supervision of the municipality.
- (2) Bodies shall be placed in coffins for burials.
- (3) A coffin not constructed of perishable material shall not be placed or caused to be placed in a grave.

20. Provisions relating to funerals

- (1) No person shall, without prior permission of the municipality, conduct any religious ceremony or service according to the rights of any denomination in any portion of any cemetery which in terms of section 11 (3) has been set apart

- by the municipality for the use of any other denomination.
- (2) No person shall cause any hearse, while a cemetery, to leave the roads and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (3) Every person taking part in any funeral procession or ceremony shall comply with the directions of the municipality as to the route to be taken within the cemetery.
- 21. Provisions relating to exhumations**
- (1) No person shall, unless authorised thereto by written order by the appropriate authority, exhume or cause to be exhumed any body.
- (2) Any person duly authorised to exhume a body in terms of subsection (1) shall hand the order in respect thereof to the municipality and shall give him not less than eight working hours' notice of the date and time proposed for the exhumation of such body and shall at the same time pay the fees determined by the municipality.
- (3) No person shall exhume or remove any body unless the employee of the municipality who is responsible for cemeteries is present.
- (4) The grave from which any body is to be removed shall, if the municipality so requires, be effectively screened from view during the exhumation.
- 22. Provisions relating to memorial stones or monuments**
- (1) No person shall bring or cause to be brought any material into any cemetery for the purpose of carrying out any work in connection with a memorial stone or brickwork or stonework upon any grave, and no person shall erect or place in position any tombstone, kerbing, or monument or any structure whatsoever on any grave, unless and until -

- (a) the grave plot shall have been reserved in terms of section 10 (1) in the name of the person authorising such work;
 - (b) a drawing with dimensions and figures thereon showing the position of the proposed work together with a specification of the material to be used, and a copy of any proposed epitaph or ornamentation have been handed to the municipality not less than three working days before it is intended to bring such material into the cemetery;
 - (c) all fees, determined by the municipality, which are due in respect of such work shall have been paid;
 - (d) the municipality's written approval of the proposed work shall have been given to the holder of the certificate of reservation or his authorised representative.
- (2) The municipality may refuse to approve any proposed work with regard to a memorial stone or monument, the plan and specification of which reveals that it will disfigure any cemetery, or which bears any epitaph which may cause offence to users of the cemetery or visitors to it.
- (3) No person shall convey any stonework or brickwork or monuments or any portion thereof within any cemetery upon any vehicle or truck which is not fitted with wheels having pneumatic tyres and which is of a kind likely to cause damage to the roads and grounds of such cemetery.
- (4) No person engaged in work in connection with any memorial stone or monument shall at any time disturb any adjacent grave plot or, on completion of the work, leave the grave plot before it is in a clean and tidy condition.
- (5) All work in connection with a monument which is carried out within any

- cemetery shall be completed in accordance with the drawing and specification approved in terms of subsection (1).
- (6) Any person carrying out any work in connection with any memorial stones or monuments shall comply with the following provisions:
- (a) The various parts of any memorial stone or monument, other than masonry, shall be affixed by copper or galvanised iron dowel pins of a length and thickness sufficient to ensure the permanent stability of the work;
 - (b) any part of such work which rests upon any stone or other foundation shall be fairly squared and pointed;
 - (c) the underside of every flat memorial stone made of stone and the base or foundation of every monument or headstone shall be set at least 50mm below the natural level of the ground;
 - (d) every headstone shall be securely attached to the base;
 - (e) the base shall consist of one solid piece in the case of a single grave plot;
 - (f) all kerbing or monuments on single grave plots shall be erected on concrete foundation at least 610mm wide and 205mm deep over the full width;
 - (g) all kerbing on plots larger than single grave plots shall be fixed to a solid concrete surface at the four corners and wherever joints occur;
 - (h) the municipality may require any concrete foundation on any grave plot to be reinforced where, owing to the mass of the monument or headstone, it is necessary in the interests of safety.

- (7) (a) No person shall erect any memorial stone within any cemetery unless the number and section letter of the plot upon which such work is to be placed are indelibly engraved thereon in such a position as to be legible at all times from a pathway.
- (b) With the consent of the registered certificate holder, the name only of the maker of such memorial stone may appear on the base.
- (8) No person shall, without municipality's permission, bring any memorial stone or material into a cemetery nor do any work in connection with any memorial stones or monuments within any cemetery from twelve noon on a Saturday until the opening hour on the following Monday.
- (9) Any person carrying out work within any cemetery shall in all matters comply with the directions of the municipality.

23. Grave plots supplied with a berm

- (1) Notwithstanding anything to the contrary contained in this by-law, a grave plot which is supplied with a berm shall be subject to the following conditions:
- (a) No kerbing shall be erected on such a plot.
- (b) The base of a memorial stone shall not be larger than 610mm by 260mm; provided that the base of a memorial stone which is erected over two adjoining grave plots may be 1220mm by 260mm.
- (c) A memorial stone which is erected shall not protrude beyond the base and shall be at least 120mm from the front edge of the berm.

24. Maintenance of graves

- (1)
 - (a) Any memorial stone or monument erected upon any grave shall at all times be maintained in good order and condition by the holder of the reservation certificate in respect of such grave.
 - (b) If any such memorial stone or monument is allowed to fall into a state of disrepair or to constitute a danger or to disfigure the cemetery, the municipality may, by written notice sent by registered post to the holder of the reservation certificate at his last-known postal address, require him to effect such repairs as may be necessary.
 - (c) Failure on the part of the holder of the reservation certificate to effect the required repairs within one month of the date of such notice shall be a breach of this by-law and the municipality may have the repairs effected or may have the memorial stone or monument removed, as it deems fit, and may recover the expense of such repairs or removal from the holder of the reservation certificate.
 - (2)
 - (a) Any memorial stone or monument dismantled for the purpose of a further burial shall be either re-erected or removed from the cemetery by the holder of the reservation certificate within two months of date of such dismantling.
 - (b) Failure to do so shall constitute a breach of this by-law.
 - (c) In the event of such failure, the municipality shall be entitled to remove any such dismantled memorial stone or monument from the cemetery without further notice to the holder of the reservation certificate and recover from him the cost of such removal.
 - (3) The municipality shall not be liable for any loss of or damage to any memorial stone, monument or any article placed upon any grave plot which may occur at

- any time from any cause whatsoever, nor for any compensation in respect of any memorial stone or monument repaired or removed in terms of subsections (1) and (2).
- (4) (a) No person shall without the prior permission in writing of the municipality plant any tree, shrub, bush or any other plant on any grave plot, nor shall any such tree, shrub, bush or plant be planted upon any portion of such plot other than that indicated by the municipality.
- (b) No holder of a reservation certificate shall allow any shrub, bush or plant to overhang or extend beyond the boundaries of such grave plot.
- (5) The municipality shall have the right to remove, trim or prune any plant which extends beyond the boundaries of the grave plot upon which it is planted or which is untidy.
- 25. Provisions relating to persons dying outside the municipal area**
- (1) The provisions of this by-law shall apply *mutatis mutandis* to any burial within the municipal area of the human remains of any person who has died outside such area.
- (2) Every application and every document relating to any burial shall be marked with a number which corresponds with the number in the register referred to in section 7 and shall be filed in order and kept by the Municipality for a period of not less than 10 years.
- 26. Fees payable**
- (1) All fees payable in respect of burials shall be determined by the municipality from time to time.

27. Offences and penalties

Any person contravening the provisions of this by-law shall be guilty of an offence and liable on conviction to-

- (1) a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

SCHEDULE 1**THABAZIMBI MUNICIPALITY****CEMETERIES**

Certificate of Reservation no.....
.....

(Issued in terms of section 10)

This serves to certify that ofhaving paid the prescribed fees of R, is entitled to use the site(s) described below for the purposes of burial:

Grave plot no. Section

Measuring

Cemetery

Dated atthis.....day of 20.....

.....

Thabazimbi Municipality

SCHEDULE 2**THABAZIMBI MUNICIPALITY****CEMETERIES**

Transfer of Certificate of Reservation

no.....

(Issued in terms of section 11)

This serves to certify that Certificate of reservation No.....in respect of grave
plot no..... has been transferred
from.....

Address.....

To.....

Address.....

Transferor

Confirmed on behalf of the Municipality on this day of20.....

.....
Thabazimbi Municipality

SCHEDULE 3**THABAZIMBI MUNICIPALITY**

Application for burial no

.....

To the Municipality of Cemeteries

.....20.....

Please supply grave in

.....

.....

Denomination

.....

Size of coffin lid

Time at gate

For the late (state name and surname in full)

.....

Nationality.....

Sex.....

Age

(1) Address where death occurred

.....

(2) Residential address

.....

.

Date of death

Cause of death

.....

Name of next of kin

.....

Name of applicant

.....

.....

Undertaker

4. STREET TRADING BY-LAW

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1. Definitions

In these by-law, unless the context otherwise indicates-

“Approval” means approval by the Council and “approved” has a corresponding meaning;

“Authorized Official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-law;

“Council” means -

- (a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October

2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal 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, 2000, or any other law, as the case may be.

“Council Services” means any system conducted by or on behalf of a local authority, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

“Council Service Works” means all property or works of whatever nature necessary for or incidental to any Council services;

“Foodstuff” means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“Garden or Park” means a garden or park to which the public has a right of access;

“Goods” means any movable property and includes a living thing;

“Intersection” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Litter” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

“Motor Vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

“Prescribed” means determined by resolution of the Council from time to time;

“Property”, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“Public Building” means a building belonging to or occupied solely by the State or the Council; **“public monument”** means any one of the “public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

“Public Place” means a public place owned by the municipality

“Public Road” means a public road as defined in section 1 of the National Road Traffic Act, 1996;

“Roadway” means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

“Sell” includes -3

- (a) barter, exchange or hire out;
 - (b) display, expose, offer or prepare for sale;
 - (c) store on a public road or public place with a view to sell; or
 - (d) provide a service for reward;
- and “sale” or “selling” has a corresponding meaning;

“Sidewalk” means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

“Street Furniture” means any furniture installed by the Council on the street for public use;

“Street Trader” means a person who carries on the business of street trading and includes any employee of such person;

“Street Trading” means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

“the Act” means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

“Verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996;

2. Meaning of words and expressions in Businesses Act incorporated in these By-law

In these By-law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in these By-law.

3. Single act constitutes street trading

For the purpose of these By-laws a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

4. Reference to legislation includes regulations made thereunder

For the purpose of these By-law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

5. Assigning powers of a Council employee to employee of a service provider, where a service provider has been appointed

If any provision in these By-law 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.

6. Prohibited conduct

- (1) No person shall carry on the business of a street trader -
 - (a) at a place or in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place or area in which street trading is prohibited;
 - (b) in a garden or a park to which the public has a right of access
 - (c) on a verge contiguous to -
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an auto teller bank machine;
 - (d) at a place where it causes an obstruction in front of -
 - (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
 - (e) at a place where it could obstruct vehicular traffic;
 - (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
 - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;
 - (h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;
 - (i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996; and

- (j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1)(h), may not trade in contravention of the terms and conditions of such lease or allocation.

7. Restricted conduct

- (1) A person carrying on the business of a street trader -
 - (a) may not sleep overnight at the place of such business;
 - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
 - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
 - (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
 - (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
 - (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;

- (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
 - (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place;
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these By-law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of these By-laws;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public

- road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
 - (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
 - (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and
 - (u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A (2) (a) of the Act.

8. Cleanliness

- (1) A street trader must-
 - (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
 - (b) Keep his or her property in a clean, sanitary and well maintained condition;
 - (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
 - (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
 - (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
 - (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
 - (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
 - (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

9. Signs indicating restricted and prohibited areas.

- (1) (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
- (i) specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
 - (ii) the locations of boundaries of restricted or prohibited areas;
 - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
 - (iv) the fact that any such stand or area has been let or otherwise allocated; and
 - (v) any restriction or prohibition against street trading in terms of these Bylaws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these By-laws or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these By-laws, and shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.

10. Removal and impoundment

- (1) An authorized official may remove and impound any property of a street trader-
- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorized official acting in terms of subsection 1 above must, except where

goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-

- (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.

11. Vicarious responsibility of persons carrying on business

- (1) When an employee of a street trader contravenes a provision of these By-laws the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-
- (a) he or she neither connived at nor permitted such contravention and;
 - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer issued instructions prohibiting such contravention, shall not in itself constitute sufficient proof of such reasonable steps.

12. Offences and Penalties

Any person who -

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under these By-laws - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

13. Short title

This By-law is called the Street Trading By-law, 2003.

5. LIBRARY BY-LAW

1. Definitions

Definitions and interpretation

In this By-law, unless the context otherwise indicates-

"audio-visual material" means any film, record, compact disc, stiffy, audio book, language course, audio and video cassette, including digital video material, and any gramophone record available for use in or borrowing from, a library, whether the property of, or on loan to, the Council for that purpose;

"Child" means a person under the age of fourteen years who has never been married;

"Council" means:

- (a) the Municipality as, established by Provincial Notice No 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal 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.

"Indigent Person" means any person in circumstances of poverty whose total household income does not exceed R 500-00 per month or, in the case of a pensioner or person dependent on grants, where the household income does not exceed R1000-00 per month;

"Lending Period" means a period during which a member or visitor is permitted to retain any borrowed library material;

"Librarian" means an official employed by the Council who exercises control of and manages a library or a section thereof, and includes any assistant to a librarian;

"Library" means any public library administered and maintained by the Council.

"Library Material" means all books, periodicals, newspapers, prints, pictures, documents, posters and printed music, and audio-visual material, regardless of whether it is the property of or on loan to the Council, which is available to be perused, studied, copied in, or borrowed from, a library;

"Library Week" means a period of seven days or more during a year determined by the Library and Information Association of South Africa, during which information services are promoted;

"Member" means any person or organisation registered as a member of the library;

"Multimedia Library" means a library dedicated to the provision and presentation of information in any two or more of written, visual, audiovisual and electronic forms, and includes any facility within that library that are capable of presenting information in such formats;

"Organisation" means a non-profit-making institution or company, or a cultural association having a constitution;

"Pensioner" means any person over the age of 60 years;

"Prescribed Fee" means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"Resident" means a person who resides in, is a property owner or rate payer, or who is employed within or is registered with an educational institution within the area of jurisdiction of the Council;

"Specialised Library Material" means library material which needs special equipment in order to access the content of such material or the use of which is likely to inconvenience other patrons of a library if utilised within a library;

"The Library" means the totality of public libraries, with their contents, administered and maintained by the Council;

"Visitor" means a person residing, working or studying for a period of not more than three continuous months within the area of jurisdiction of the Council.

1A Nondiscrimination

(1) Subject to the provision of subsection (2) hereof, no provision of these Bylaws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorising such discrimination.

(2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these Bylaws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

2. Admission to libraries

(1) Admission to the libraries of the Council shall be open to all members of the public during the hours of opening fixed by the Council and displayed at the entrance to each library.

- (2) No person shall enter or remain in a library outside the hours of opening referred to in subsection (1) or during a period that it has been closed temporarily by the librarian without the prior consent of the librarian.
- (3) Notwithstanding the provisions of subsection (1) the librarian may order a person to leave a library -
 - (a) if his presence therein constitutes a contravention of section 10;
 - (b) if having committed a breach of that section, he persists in that breach, notwithstanding a warning given by the librarian or other officer of the Council; or
 - (c) if his presence or behaviour distracts from the use and enjoyment of the library by other persons or constitutes a threat to their health or safety.

3. Membership

- (1) Membership of the library shall be open -
 - (a) in the case of the adult lending library, to any person who is fifteen years of age or over and who permanently resides within the Municipality;
 - (b) in the case of the junior lending library, to any person under the age of nineteen years who permanently resides within the Municipality and who produces a guarantee to the satisfaction of the librarian signed by such person's parent or guardian for the safe return of all books borrowed in terms of these bylaws and for the payment of all prescribed charges.
- (2) Upon application by him in writing on the form supplied by the librarian a person who qualifies for membership in terms of subsection (1) shall be registered as a member in the category for which he qualifies.
- (3) Subject to the provisions of section 4, registration as a member shall be for a

period of three years commencing on the first day of the month following the month in which application is made in terms of subsection (2) and on the expiry of such period membership shall lapse, unless the librarian for any reason decides otherwise in respect of any individual member or group of members in which event his or their membership shall be extended for a temporary period specified by the librarian, provided that a member who immediately before the lapsing of his membership still qualifies for membership in terms of subsection (1) may apply for re-registration before his membership lapses.

- (4) A person may not be a member of both the adult and the junior lending libraries at the same time.
- (5) A member of the junior lending library shall automatically cease to be a member upon reaching the age of nineteen years and he shall thereupon return his card or tickets to the librarian.
- (6) A person who is fifteen years of age or over but who does not otherwise possess the qualifications for membership specified in subsection (1) may, at the discretion of the librarian, and on completion of the application form supplied by him and upon payment of the prescribed charge, be permitted to register for restricted membership of the adult lending library for a period of twelve months and the provisions of subsection (1) of section 5 other than the proviso thereto shall apply.

4. Termination and cancellation of membership

- (1) A member may terminate his membership at any time by giving the librarian notice to that effect and he shall thereupon return all cards, tickets and books in his possession to the librarian.
- (2) The librarian may by notice in writing sent to the member's last known address cancel the membership of any member -

- (a) who no longer possesses the qualifications for membership in terms of section 3;
 - (b) who has repeatedly committed breaches of these bylaws.
- (3) The librarian shall not act in terms of subsection (2) until the expiry of a period of thirty days of the posting of a notice to the member at the last known address of that member calling on him within that period to furnish reasons why the membership should not be cancelled.
- (4) A member referred to in subsection (2)(b) may within the period referred to in subsection (3) appeal in writing to the Council against the cancellation of his membership and the decision of the Council shall be final.
- (5) A person whose membership has been cancelled in terms of subsection (2)(b) shall not be entitled to re-apply for membership within a period specified in the notice conveying such cancellation or laid down by the Council on appeal in terms of subsection (4).

5. The borrowing of books

- (1) Each member shall receive a card or tickets in a form prescribed by the librarian which will entitle that member to borrow from the Council's lending libraries not more than three books at any one time, such books being of a category which is made available for borrowing by the public other than material in the music library; provided that on application on a form obtained from the librarian and on payment of the prescribed charge a member shall be entitled to borrow up to two additional books or, at the discretion of the librarian, up to not more than four additional books in the case of the adult lending library; and a member of the junior lending library shall be entitled to borrow one additional book.
- (2) A member of the adult lending library may use his card or tickets to borrow books from the junior lending library provided that he does not exceed the total number of books that may be borrowed by him in terms of subsection (1).

- (3) A member of the junior lending library may use his card or tickets to borrow books from the adult lending library if the written consent of his parent or guardian is conveyed to the librarian.
- (4) A member of the adult lending library shall upon application to the librarian on the form supplied be entitled to borrow from the music library sheet music, books on music and sound and other recordings to a maximum of two items at any one time or such other number as the librarian in his discretion may permit, for which purpose the member shall, where necessary, be issued with additional tickets.
- (5) The librarian may refuse to issue books to any person in the interests of public health.
- (6) At the discretion of the librarian a visitor to the City may on written application and after payment of the prescribed charge be permitted to borrow up to three books at one time during such period as the librarian shall specify.
- (7) A person who is registered as a member of either the adult or the junior lending library may borrow books from any branch of that library and if a particular book is not available at the branch frequented by him he may request that that book be transferred from another branch for purposes of its loan to him, subject to availability and demand.
- (8) A member shall return a book borrowed by him to the library from which it was borrowed unless the librarian otherwise permits.
- (9) A book shall be returned not later than fourteen days from the date of issue and the date for return reflected on or accompanying the book shall be conclusive proof of that date by which the book must be returned;

Provided that -

- (a) the issue of a book which is not required for issue to any other person, may

be renewed on verbal request made on or before the expiry of the said period for a further period of fourteen days but not more than one such request made by telephone shall be considered;

(b) a member shall return a book immediately upon receipt of a written demand from the librarian for the return of the book;

(c) the librarian may permit a member to retain a book required for study purposes for a period not exceeding six weeks if other members are not prejudiced;

(d) the librarian may allow a part-time or full-time student of an educational institution extended facilities for such period as the librarian specifies in terms of which the period of fourteen days referred to above are extended to six weeks in each case.

(10) A member shall pay to the librarian the prescribed charge for each book which is returned after the date for its return in terms of subsection (9), provided that the librarian may remit the whole or portion of such charge whenever in his opinion the delay in returning the book was due to circumstances beyond the control of the borrower.

(11) The librarian may, subject to such conditions as he imposes declare an amnesty period for the return of any book to a library, during which period a book in respect of which a prescribed charge has already accrued may be returned without payment and on return such charge shall be waived and no charge for late return of books shall be incurred during or in respect of such period; provided that no single amnesty period shall exceed a period of six consecutive days, excluding Sundays and public holidays.

6. Reference library and public reading rooms

(1) No person may borrow a book from the reference library, provided that the librarian may permit the borrowing of books there from for limited periods in

circumstances and upon conditions determined by him.

- (2) The librarian may require any person who wishes to consult a book in the reference library to do so in such part thereof as he may direct.
- (3) A person shall not retain a book of any kind in a reference library or public reading room for a period longer than ten minutes after being notified by a librarian of a request therefore.

7. Other facilities and services

- (1) A person may, with the permission of the librarian and subject to the copyright laws of South Africa, obtain copies of extracts from books or make use of the Council's photocopying equipment upon payment of the prescribed charge, provided that the librarian may require proof that the copying of the extract and the intended use thereof does not infringe the said Act.
- (2) Any other facilities and services provided in the library by the Council shall be made available upon payment of the prescribed charge therefore.

8. Reservation of books

A member may reserve a book which is not immediately available by completing a written request therefore and such book may be borrowed by him within the period specified in the notice to him advising of its availability, and upon payment of the prescribed charge, which charge may differentiate between different categories of books; provided that no person may reserve more than three books at any one time and the librarian may at his discretion exclude any books or categories of books from the provisions of this section.

9. Obligations of members

- (1) A member shall notify the librarian of any change of his registered address or in

the circumstances constituting his qualifications for membership within fourteen days of such change.

- (2) Use of the card or tickets issued to a member in terms of section 5 shall be personal to that member and he shall be responsible for their safekeeping and for the payment of charges, fines or penalties and for the amount of any damage or loss payable in terms of these bylaws arising from the use of such card or tickets.
- (3) If a member loses a card or ticket he shall notify the librarian who may issue a duplicate upon payment of the prescribed charge but such issue shall not relieve the member of any liability under subsection (2).
- (4) A member shall return his card or tickets to the librarian upon termination or cancellation of his membership in terms of these bylaws.
- (5) A member shall be responsible for all books of the library which are in his possession or which have been borrowed or lent by means of the tickets or cards issued to him in terms of these Bylaws and for their safekeeping in a clean and sound condition and shall reimburse the Council for the loss of or damage to any such book or its cover occurring between the time that the book is received from the library and the time it is returned to the library in terms of these bylaws.
- (6) For the purposes of subsection (5) "damage" includes the effect of soiling, staining, marking, exposure to heat, light, moisture or the elements or any other act, action or omission, whether of human or natural agency, which in the opinion of the librarian reduces the intrinsic value of the book or detracts from its use for the purposes of the library.
- (7) A member who is responsible for a book which has been damaged shall pay to the librarian, in addition to the prescribed charges, the cost of restoring a book which has been damaged, as determined by the librarian if in his opinion it can satisfactorily be restored and in every other case the value of the book.
- (8) For the purposes of subsections (5) and (7) the value of a book shall be

determined by the librarian and shall at his discretion either be the total cost to the Council of replacement of the book by a new copy of the same work which is substantially the same as the book lost or damaged and a handling charge assessed by the librarian or where the book is not to be replaced or is out of print and therefore not available, the price as recorded on the bibliographical record in the library or its most recent catalogue price according to the relevant catalogue, whichever is the higher.

- (9) A person shall have no right of ownership or retention in respect of a book even though its value as determined in terms of subsection (8) has been paid by him.
- (10) A member shall not be entitled to borrow any book until he has paid to the Council all amount owing by him in terms of these bylaws in respect of any book previously borrowed by him.
- (11) A member shall establish that a book is in an undamaged condition before he removes it from the library and shall report any damage observed by him before such removal.
- (12) Subject to a report in terms of subsection (11), a book issued in terms of these bylaws shall be deemed to be complete and in good and undamaged condition.
- (1) A person commits an offence if he -
 - (a) removes a book from any library or is in possession of a book outside the limits of a library which has not been issued to him in terms of these bylaws for a purpose involving such removal;
 - (b) damages, defaces, marks or soils a book belonging to the library in any way whatsoever;
 - (c) folds or turns down a leaf or page of a book;
 - (d) makes a copy of a book or any portion thereof by any means of reproduction

without the consent of the librarian;

(e) exposes a book to excessive heat, dust, moisture or other adverse weather conditions;

(f) enters a library or borrows or handles a book while knowing that he is suffering from a communicable disease or allows a book which he has borrowed to be handled by a person whom he knows is suffering from such a disease;

(g) returns a book to a library knowing that it has been handled by a person suffering from a communicable disease or fails to advise the librarian that a book in his possession has been so handled or to comply with the librarian's instructions as to its delivery or disposal;

(h) engages in conversation or makes a noise in any part of a library so as to be likely to disturb any other person in that library;

(i) annoys, disturbs, interrupts or obstructs any other person in a library;

(j) lights a match or cigarette lighter or smokes, spits, sleeps or consumes refreshments in a library;

(k) performs any other act which is not consistent with the use of a library for the purpose for which it is intended;

(l) introduces any animal into any part of a library except with the permission of the librarian;

(m) damages, defaces or makes a mark or displays any matter on any part of a library or the contents thereof;

(n) gives a false name or address for the purpose of entering any part of a library or of obtaining any benefit or privilege under these bylaws;

(o) enters or remains in a library while in a verminous state or while under the

influence of alcohol or dependence producing drugs;

(p) removes a book from a reference library or a public reading room without the prior approval of the librarian.

10. Membership

(1) Application for membership or visitor's rights must be made on a form prescribed by the Council.

(2) The Council may -

(a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorized by that organisation or body, and every such resident must -

(i) pay the prescribed fee for membership; and

(ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;

(b) subject to such conditions as it may determine from time to time, grant membership of the library to a child if his or her parent or guardian consents thereto in writing and undertakes to ensure the observance by the child of the provisions of these By-laws;

(c) grant membership of the library to a person who is not a resident on conditions determined by the Council from time to time;

(d) admit a person residing, working or studying in the area of jurisdiction of the Council for a period of not more than three months, as a visitor if -

(i) the particulars determined by the Council or the Director are submitted by such person;

(ii) such person pays the prescribed fee; and

(iii) a librarian approves the application, and upon such admission, the visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;

(e) exempt any applicant for membership who is an indigent person wholly or partially from the payment of the prescribed fee for membership.

(3) (a) A library membership card must be issued to each member authorising that

member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.

(b) Additional membership cards, entitling a member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.

- (4) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.
- (5) A member who wishes to cancel his or her membership of the library must -
 - (a) notify a librarian in writing;
 - (b) return the membership card or cards concerned; and
 - (c) simultaneously return all borrowed library material in his or her possession to a librarian.
- (6) If library material is not returned in terms of subsection (5) (c), the person concerned is be liable in terms of section 8(2), read with the necessary changes.
- (7) If a member changes his or her address, the member must notify the Director thereof in writing within thirty days after the change has taken place.
- (8) If a membership card is lost, the member must forthwith notify a librarian in writing, and -
 - (a) the librarian must, on payment of the prescribed fee, issue a duplicate card;
 - (b) should a lost membership card subsequently be found by the member, any duplicate card must be returned to the librarian immediately; and
 - (c) notwithstanding the provisions of section 8(a) a member is not liable in terms of that section for any library material borrowed against a lost membership card after the date of such notice.

11. Loan of library material

- (1) Library material which is not available for removal from a library on loan in any reference or special library must be determined by the Director and a notice specifying such material must be displayed at the inquiry desk of each library.

- (2) (a) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.
- (b) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and the librarian must record particulars of the damage on the date sheet and sign it.
- (c) If a member returns damaged library material, he or she is responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, unless the damage was recorded in terms of paragraph (b).
- (d) No person may be in possession of library material outside a library unless it has been lent to him or her in terms of a membership card.
- (3) A librarian may refuse to make damaged library material available for borrowing, but if such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section 4(2)(b).
- (4) A member may, upon payment of the prescribed fee, request that any library material which may be lent out not available at a library, but which is available at another library or a library not operated by the Council, be obtained from that source and made available or loaned to that member.
- (5) The loan of audiovisual-material or items from student service, is subject to the payment of the prescribed fee.
- (6) Library material bearing the distinguishing insignia of the Council or any of its predecessors or the insignia of the Provincial Government, with no indication on it that it has been officially discarded or sold, remains the property of the Council or of the Provincial Government, as the case may be.

12. Return of library material

- (1) a member must return borrowed library material not later than the last day of the lending period.
- (2) If the library material concerned is not required by any other member, the librarian may extend the lending period of that material for a further lending period.
- (3) A member who fails to return library material by the end of the lending period or an extension thereof allowed by a librarian, may not keep it for more than seven

days after receipt of a written notice from a librarian that the library material is to be returned to that library.

13. Overdue library material

- (1) If a member fails return library material borrowed against a membership card within the lending or extended lending period contemplated in section 5, he or she is liable for payment to the Council of the prescribed fees for every period of seven days or portion thereof during which the member fails to return the library material, unless -
 - (a) good cause is shown to the satisfaction of a librarian;
 - (b) the return date falls within a library week or other period when the library concerned is closed to the public for any reason; or
 - (c) any other period of grace is given by the Director;
- (2) Every librarian must ensure that the rules and prescribed fees for overdue and lost library material are displayed at a prominent place in the library.

14. Reservation of library material

- (1) A member may reserve library material available for borrowing, which will then be held available for the member, provided payment of the prescribed fee therefore is made in advance.
- (2) No library material will be held available for a period longer than the period specified by the Director.

15. Lost and damaged library material

- (1) It must be stated on every membership card that if a member damages or loses library material, the member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee therefore.
- (2) Library material not returned within one hundred days from the date of borrowing must be regarded as lost, and the member who borrowed it last is liable for the replacement cost thereof or the prescribed fee, at the discretion of the Director.
- (3) The particulars of a member who has failed to return library material outstanding for a period longer than that stated in subsection (2) must, if the Council is

unable to retrieve that library material from the member, despite reasonable efforts to do so, be entered on a central register of unreturned library material, together with the details of the material concerned, any unpaid prescribed fee due by the member, and such particulars must be circulated to every library, and the member's privilege of borrowing material from the library is suspended until that library material is returned to a library or payment is made as contemplated in subsection (2).

- (4) Any lost or damaged library material remains the property of the Council or the Provincial Government, as the case may be, even if replacement cost or the prescribed fee in respect thereof has been paid to the Council.
- (5) If damaged library material returned by a member is found to be repairable, the member must pay the costs of repair incurred by the Council, before being permitted to borrow any further library material.

16. Handling of library material

A member who has borrowed library material or is using library material in the library must -

- (a) keep the library material in a clean condition;
- (b) prevent the library material from being damaged in any way;
- (c) ensure that the library material is not mutilated, defaced, marked or creased;
- (d) ensure that no part of that library material, or any protective coverings or identification thereof as the property of the Council or the Provincial Government, is removed; and
- (e) ensure that the library material is not lent to any other person.

17. Exposure of library material to notifiable and infectious diseases

- (1) No person suffering from a notifiable medical condition proclaimed in terms of section 45 of the National Health Act, 2003 (Act No. 61 of 2003), may borrow or handle library material, and no member may allow any other person suffering from such medical condition to handle or come in contact with library material lent to that member, if such handling or contact would expose others to the danger of infection or any form of health hazard.

- (2) The provisions of subsection (1) also apply to any person supervising or in charge of a child known by such person to be suffering from a medical condition, contemplated in that subsection.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in a library.
- (4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition must immediately advise a librarian that the library material has been so exposed.

18. Library material for special and reference purposes

- (1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may be removed from that part of a library without the permission of a librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after a librarian has requested its surrender.

19. Reproduction of library material and objects and use of facsimile facilities

- (1) any person may use the facsimile and photocopier facilities of a library subject to
 -
 - (a) payment of the prescribed fee; and
 - (b) the furnishing by him or her of a declaration in writing, if requested by a librarian, that the purpose for which the facsimile or photographic reproduction is required, falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright Act, 1978, (Act No. 98 of 1978).
- (2) A librarian must display the relevant sections of the legislation referred to in subsection (1) (b), in a prominent place in the library.
- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.
- (4) In granting or refusing permission in terms of subsection (2), a librarian may take

cognisance of the possibility of damage being caused to the material or object as a result of it being handled for the purposes of making the reproduction, and may impose any condition reasonably necessary to prevent damage being caused to the material or object.

20. Library hours

The hours determined by the Council during which any library will be open to the public, must be displayed on a notice at the entrance to the library concerned and must specify -

- (a) the days on and hours during which the library will be open and closed; and
- (b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

21. Hire and use of auditoria and lecture rooms or library space

- (1) The Council may hire out to any member or other person, any auditorium, lecture room or other area within a library complex against the payment of the prescribed fee therefore, for the purpose of holding a lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material.
- (2) Application for the hire of any such facility must be made in writing to the Director.
- (3) Notwithstanding the provisions of subsection (1), any facility contemplated in that subsection, may be made available without payment of a prescribed fee -
 - (a) to any organisation supporting the provision of library services;
 - (b) for any activity which the Council may either generally or specifically determine.

22. Internet viewing stations

Any person may utilize an internet viewing station at a library, where such facilities are made available by the Council, provided he or she -

- (a) pays the prescribed fee therefore;

- (b) obtains prior permission from a librarian; and
- (c) observes the maximum period of use determined by a librarian;
- (d) abstains from loading personal software on to any hardware comprising an internet viewing station;
- (e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her; and
- (f) agrees to and does observe the Council's policy on e-mail and internet usage, which must be displayed at each internet viewing station.

23. Hiring of multimedia library space

- (1) a multimedia library may be made available to any person applying therefore against payment in advance of the prescribed fee.
- (2) Any person who wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.
- (3) The hiring of a multimedia library is subject to such conditions as the Director may determine.

24. Performing arts library

- (1) Subject to the provisions of subsection (2), all printed music in a performing arts library must be made available for loan free of charge to registered adult members and organizations.
- (2) Orchestral and bulk vocal scores may be made available for loan only to orchestras, school libraries and choirs upon written application and against payment of the prescribed fee.
- (3) Material not for loan may be determined by the Performing Arts Librarian in his or her discretion.

25. Availability of By-Law and notices

A copy of this By-law must be available for inspection, and a notice to that effect must be displayed at a prominent place, in every library and be brought to the attention of any library user when necessary.

26. Conduct in libraries

(1) any person who -

- (a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library;
- (b) uses abusive or otherwise objectionable language or behaves in an abusive, objectionable or disorderly manner, in a library;
- (c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library;
- (d) damages any part of a library building or its contents;
- (e) furnishes a false name or address to a librarian for the purpose of entering any part of a library or for obtaining any benefit or privilege;
- (f) enters or remains in a library while knowingly suffering from any notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977, or while under the influence of intoxicating liquor or habit-forming drugs;
- (g) smokes, eats, drinks or sleeps in any part of a library where these activities are forbidden; or
- (h) contravenes any other provision of these By-law, may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from that library by the use of reasonable and necessary force.

27. Presumptions

A book which bears the mark or stamp of the library or which in any way indicates that it is part of the library book stock or the property of the Council and which does not contain an official notification that it has been withdrawn, discarded or sold shall be deemed to be the property of the Council.

28. Offences and Penalties

(1) any person who -

(a) contravenes any provision of these by-law; or

(b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-law; or

(c) fails to comply with the terms of any notice served upon him in terms of these by-law, or any order of the librarian.

shall be guilty of an offence and liable upon conviction to the maximum penalty prescribed for the offence by section 266(7) (a) of the Local Authorities Ordinance 1974 (Ordinance 25 of 1974).

(2) Failure to comply with the terms of any condition, notice or order referred to in subsection (1)(b) or (c) above 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 day during which he fails to comply with such terms.

6. DOGS BY-LAW

1. Purpose of this By-Law

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

2. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa,

“dog” for the purpose of sections 3 and 4 means a dog over the age of six months;

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

or to harbour such dog;

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

“municipality” means the Municipality of Thabazimbi established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

“premises” means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries.

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

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

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

3. Application of this by-law

1. The provisions of sections 4 and 10 of this by-law shall not apply to premises which are zoned for agricultural purposes, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from

compliance with any other provision of this by-law or any other legislation which may be applicable.

2. The provisions of section 13 shall not apply to a guide dog which is utilised to accompany a blind person. Number of dogs
3. Subject to the provisions of section 5, no person shall keep more than two dogs on any erf or premises without the prior written consent of the municipality.
4. A breeder of dogs who wishes to keep more than two dogs on -
 - (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.
 - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality.
5. An application for the municipality's consent in terms of section 5 shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 m²
6. The municipality's consent in terms of section 5(b) to keep more than two dogs on a premises, shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
7. The municipality may at any time revoke a consent granted in terms of section 5(b).

4. Control of dogs

No person shall -

- (a) permit any bitch on heat owned or kept by him or her to be in any public road or public place without supervision;

- (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- (c) keep any dog which -
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or
- (d) permit any dog owned or kept by such person -
 - (i) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - (ii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a hazard to traffic using any public road;
 - (v) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or
 - (vi) to be in any public road or public place except on a leash and under control of some responsible person.

5. Fencing of property

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

6. Dogs shall not be a source of danger

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

7. Removal of offensive matter

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

8. Dogs on premises where food is sold

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

9. Seizure, impounding and destruction of dogs

- (1) Any dog, found in any public road or public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by the municipality.
- (2) The municipality may seize and impound at a place designated by the municipality, any dog which is found in any public road or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

10. Liability

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

11. Penalty clause

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding -

- (1) a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 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 and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

7. CHILD CARE SERVICES BY-LAW

PART A DEFINITIONS

1. Definitions

For the purposes of these by-laws, unless the context indicates otherwise - "**adequate**" means adequate in the opinion of the Municipality; "**approved**" means approved by the relevant authority, regard being had to the reasonable environmental health requirements that may apply to each particular case;

"**Authorised Officer**" means any employee, official or metropolitan police officer of the Municipality who is duly authorised to exercise any power or perform any function in terms of these by-laws;

"**Certificate of Acceptability**" means a certificate of acceptability issued by the Municipality in terms of the regulations made under the National Health Act, 2003 (Act 61 of 2003), and published by Government Notice R. 918 of 30 July 1999;

"**Child Care Service**" means any building or premises maintained or used, whether for profit or otherwise, for the temporary or partial care of children under 18 years of age apart from their parents, but does not include any boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State.

"**Environmental Health Practitioner**" means the Environmental Health Practitioner appointed as the Municipality's representative or any official authorised to act on his or her behalf;

"Health Certificate" means a health certificate issued in terms of section 4;

"Health Certificate Holder" means a person to whom a health certificate has been issued in terms of section 4, and includes a legal person or a partnership or association of persons to whom a health certificate has been issued or a person acting for such health certificate holder;

"Municipality" means the Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"Police Officer" means an officer referred to in section 64G of the South African Police Service Act, 1995 (Act 68 of 1995);

"Premises" means any land or building or part of any land or building in or on which a child care service is operated;

"Registration Certificate" means a registration certificate issued by the relevant authority; and

"Suitable" means suitable in the opinion of the Municipality.

2. Application of by-law

This by-law apply to all child care services operated within the area of jurisdiction of the Municipality.

3. Application of by-law to existing child care services

(1) Notwithstanding the provisions of section 4, the Environmental Health Practitioner may grant an extension of time to a person who was operating a child care service before the date of commencement of these by-laws so that such person may comply with the provisions of these by-laws within 12 months or such shorter period as may be

determined by the Environmental Health Practitioner.

(2) The Municipality may, in any case where reasons to its satisfaction are given, extend the period stated in subsection (1) by not more than 12 months.

PART B

HEALTH CERTIFICATES

4. Health certificates

(1) No person may operate a child care service on any premises unless he or she is in possession of a health certificate to the effect that the premises and the general Health facilities comply with these by-laws. Such health certificate must state -

- (a) The number of children permitted to be cared for on the premises;
- (b) The minimum and the maximum ages of the children permitted to be cared for on the premises; and
- (c) the hours during which the child care service may operate.

(2) A health certificate must be displayed -

- (a) On the premises to which it relates; and
- (b) In such manner as to be clearly visible at all times to any member of the public entering the premises.

(3) The Environmental Health Practitioner may issue a health certificate if he or she is satisfied that these by-laws are being complied with in respect of the child care service and premises in question, provided that if the Environmental Health Practitioner is of the opinion that such compliance is not reasonably practicable owing to the physical features and facilities of the premises, he or she may issue a health certificate subject to compliance with such other reasonable requirements as he or she may deem necessary.

(4) If a health certificate holder dies or ceases to operate the child care service to which his or her health certificate relates, the health certificate becomes invalid and is not transferable to any other person or to any heir of or successor in title to the health certificate holder.

(5) If a health certificate holder proposes transferring a child care service operated on

certain premises to other premises, he or she must obtain a health certificate in respect of such other premises before the child care service may be operated on those premises.

(6) No person may operate a child care service unless he or she is in possession of a certificate of acceptability in respect of the child care service.

PART C

REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN UNDER COMPULSORY SCHOOL-GOING AGE

5. Compliance with National Building Regulations

All structures on the premises of any child care service for children under compulsory school going age must comply with the requirements the regulations.

6. Indoor play area

An indoor play area must be set aside on every premises on which a child care service for children under compulsory school-going age is operated. Such indoor play area must meet the following requirements:

- (a) The indoor play area must consist of 1,5 m² of free floor area per child and may be used for playing, eating and sleeping purposes only.
- (b) The indoor play area for children from the age of three years to compulsory school-going age must be separate from the indoor play area for children under the age of three years. Divisions or moveable partitions may be used to create such separation.
- (c) Any structure used as an indoor play area must have -
 - (i) Exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
 - (ii) Windows which open to provide sufficient natural light and cross-ventilation; and
 - (iii) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

7. Outdoor play area

An outdoor play area must be provided on the premises of every child care service for children under compulsory school-going age. Such outdoor play area must meet the

following requirements:

- (a) The outdoor play area must consist of not less than 3 m² of outdoor area per child, provided that if no outdoor play area is available on the premises, an approved additional indoor play area of 1,5 m² additional space per child is substituted for the outdoor play area.
- (b) The outdoor play area must be free of any excavations, steps, projections, levels or surfaces

8. Toilet and wash facilities for children

On any premises on which a child care service for children under compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

- (a) Toilet and wash facilities for children from the age of three years to compulsory school going age must be in an approved separate screened-off area of the premises and must include -
 - (i) Where no sewer system is available in respect of the premises -
 - (aa) an approved toilet on the premises or immediately adjacent to the premises;
 - (bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and
 - (cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container and any chamber-pot, pot or "potty" is kept in a clean and sanitary condition at all times;
 - (ii) where a sewer system is available in respect of the premises, one approved toilet for every 20 children;
 - (iii) where washbasins are available, one washbasin for every 20 children, which washbasin must -
 - (aa) be at such height as to be conveniently used by children; and
 - (bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) Toilet and wash facilities for children who are under three years of age or still in nappies must include an approved separate nappy changing area in which is provided -

(i) a nappy changing unit with a surface that can be cleaned easily, which unit must -

(aa) have one bath or sink for every 20 children who are in nappies; and

(bb) be supplied with water, provided that if no running water is available on the premises, an approved source of potable water is available and accessible to the nappy changing area on a daily basis;

(ii) disposable material for the cleaning of children who are in nappies;

(iii) approved separate containers for the storage of clean nappies and soiled nappies; and

(iv) approved facilities for the cleaning of cloth nappies.

9. General requirements for toilet and wash facilities for all children

The toilet and wash facilities contemplated in section 8 must meet the following general requirements:

(a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.

(b) In the toilet and wash facilities, an approved towel and/or facecloth must be provided for each child for his or her individual use, and each child must use the towel and/or facecloth allocated to him or her.

(c) Suitable pegs or hooks must be affixed in the toilet and wash facilities for the hanging of the children's towels and facecloths, and such pegs or hooks must be individually marked.

(d) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash

facilities.

10. Laundry

If laundry is done on premises on which a child care service for children under compulsory school-going age is operated, the laundry must be done in an area of the premises that is separate from any area used by the children, and the children may not have access to the area in which laundry is done. No laundry may be done in a kitchen on the premises.

11. Sickbay

(1) On any premises on which a child care service for children under compulsory school going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -

- (a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and
- (b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

12. Kitchen

On any premises on which a child care service for children under compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

- (a) The kitchen may not be less than 12 m² in size.
- (b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.
- (c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.
- (d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.
- (e) Approved hand-washing facilities must be provided in the kitchen, and soap, a

nailbrush and towels must be available at all times for the purpose of washing hands.

(f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.

(g) Running water must be supplied to the hand-washing facilities referred to in paragraph (e) and the washing-up and rinsing facilities referred to in paragraph

(f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.

(h) Suitable means for the supply of adequate hot water to the kitchen must be available.

(i) If any child who is bottle-fed is accommodated in the child care service, the child's bottles must be suitably rinsed and sterilised in the kitchen. Any filled bottles brought from home must be suitably stored in the kitchen in such manner as to prevent contamination and spoilage. Bottles must be clearly marked with the name of the child.

(j) Perishable foods must be kept in the kitchen at a temperature below 10° C.

(k) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.

(l) An approved source of power must be provided for cooking purposes in the kitchen.

(m) All working areas in the kitchen must have an approved surface that can be cleaned easily.

(n) An adequate number of suitable refuse bins with lids must be provided in the kitchen.

(o) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

13. Storage

(1) Any premises on which a child care service for children under compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for

- (a) Food, crockery, cutlery and kitchen utensils;
 - (b) Indoor play materials and play equipment and outdoor play materials and play equipment;
 - (c) Stretchers, sleeping mats, bedding and linen;
 - (d) The personal belongings of each child; and
 - (e) The personal belongings of the staff of the child care service.
- (2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

14. Seating and resting and play equipment

On any premises on which a child care service for children under compulsory school-going age is operated -

- (a) Suitable seating must be provided for each child;
- (b) Suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided;
- (c) An approved resting or sleeping mat or mattress must be supplied for each child if full-day care is provided on the premises, provided that -
 - (i) Each mat is marked with the name or symbol of the child to whom the mat is allocated; and
 - (ii) Each mattress is covered with a removable washable cover which is marked with the name or symbol of the child to whom the mattress is allocated;
- (d) A clean blanket must be provided for each child, which blanket must be marked with the name or symbol of the child to whom the blanket is allocated; and
- (e) Suitable and safe indoor play equipment and outdoor play equipment must be provided for the children's use.

15. Enclosure

Any premises on which a child care service for children under compulsory school-going age is operated must have an approved means of enclosure so as to -

- (a) Prevent a child from leaving the premises of his or her own accord;
- (b) Prevent the entrance of domestic animals onto the premises; and
- (c) Prevent unauthorised access or entry.

16. Separate facilities for after-school centre

If a child care service cares for children of compulsory school-going age (in an after-school centre) and children under compulsory school-going age on the same premises, the facilities available for the children of compulsory school-going age must be separate from the facilities available for the children under compulsory school-going age.

PART D**REQUIREMENTS FOR THE PREMISES OF CHILD CARE SERVICES FOR CHILDREN OF
COMPULSORY SCHOOL-GOING AGE (AFTER-SCHOOL CENTRES)****17. Compliance with National Building Regulations**

All structures on the premises of any child care service for children of compulsory school-going age must comply with the requirements of the National Building Regulations made under the National Building Regulations and Building Standards Act, 1977, unless the premises are situated in an unproclaimed area.

18. Indoor study area

An indoor study area consisting of 1.5 m² of free floor area per child must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Any structure used as an indoor study area must have -

- (a) Exterior walls and a roof so constructed as to prevent the permeation of wind and rain;
- (b) Windows which open to provide sufficient natural light and cross-ventilation; and
- (c) a floor which has a smooth surface that is easy to wash and that prevents the permeation of dampness.

19. Outdoor play area

An outdoor play area must be provided on any premises on which a child care service for children of compulsory school-going age is operated. Such outdoor play area must consist of not less than 3 m² of outdoor area per child and must be free of any excavations, steps, projections, levels or surfaces that, in the opinion of the Municipality, may be dangerous or may constitute a hazard.

20. Toilet and wash facilities for children

On any premises on which a child care service for children of compulsory school-going age is operated, toilet and wash facilities must be provided for the children. Such facilities must meet the following requirements:

(a) The toilet and wash facilities for the children must be in an approved separate screened-off area of the premises and must include -

(i) Where no sewer system is available in respect of the premises -

(aa) an approved toilet on the premises or immediately adjacent to the premises;

(bb) one bucket for every eight children, which bucket must be of a size suitable for use as a toilet; and

(cc) a container with a tight-fitting lid for the disposal of the contents of the bucket or buckets, as the case may be, provided that the contents of the container are disposed of regularly during the day into the approved toilet and that the bucket or buckets and the container are kept in a clean and sanitary condition at all times;

(ii) Where a sewer system is available in respect of the premises, one approved toilet for every 20 children;

(iii) Where washbasins are available, one washbasin for every 20 children, which washbasin must -

(aa) be at such height as to be conveniently used by children; and

(bb) be supplied with running water, provided that if no running water is available, a minimum of 25 litres of potable water is supplied on a daily basis in a container capable of being closed, which container must be accessible to the washbasins; and

(iv) Where no washbasins are available, one suitable container for every 20 children, provided that -

(aa) such container is capable of being filled from a potable water container that can be closed;

(bb) such container is placed at a height convenient for children; and

(cc) a minimum of 25 litres of potable water is supplied on a daily basis from the potable water container.

(b) The toilet and wash facilities for the boys must be separate from those for the girls.

21. General requirements for toilet and wash facilities for children

The toilet and wash facilities contemplated in section 20 must meet the following general requirements:

- (a) In the toilet and wash facilities, an adequate supply of toilet paper, soap and tissues must be available and accessible to the children.
- (b) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials must be provided in the toilet and wash facilities.

22. Sickbay

(1) On any premises on which a child care service for children of compulsory school-going age is operated, an area must be set aside as a sickbay for the treatment and care of any child who becomes ill or is injured, which area may only be used as a sickbay. Such sickbay must be equipped with -

- (a) an approved fully-lockable and fully-equipped first-aid unit, which unit must be kept out of the children's reach; and
- (b) a bed or mattress.

(2) An approved method for washing hands must be used in the sickbay referred to in subsection (1).

23. Kitchen

On any premises on which a child care service for children of compulsory school-going age is operated, an approved area must be set aside as a kitchen for the preparation of food and the washing up and rinsing of crockery, cutlery, pots, pans and other kitchen utensils. Such kitchen must meet the following requirements:

- (a) The kitchen may not be less than 12 m² in size.
- (b) The floor covering of the kitchen must be of an approved impermeable material which can be cleaned easily.
- (c) For the purposes of cross-ventilation, the kitchen must have an adequate number of windows that can be opened easily.
- (d) The kitchen may not be used as a thoroughfare by children or adults and must not be accessible to the children.

(e) Approved hand-washing facilities must be provided in the kitchen, and soap, a nailbrush and towels must be available at all times for the purposes of washing hands.

(f) Washing-up and rinsing facilities must be provided in the kitchen for washing up and rinsing crockery, cutlery, pots, pans and other kitchen utensils, and such washing-up and rinsing facilities must be separate from the food preparation area of the kitchen.

(g) Running water must be supplied to the hand-washing facilities referred to in paragraph

(e) And the washing-up and rinsing facilities referred to in paragraph (f). If no running water is available, a minimum of 25 litres of potable water must be made available and be accessible in the kitchen on a daily basis, provided that the container used for the water is capable of being closed.

(h) Suitable means for the supply of adequate hot water to the kitchen must be available.

(i) Perishable foods must be kept in the kitchen at a temperature below 10°C.

(j) All food must be stored and kept in the kitchen in the best practical manner to prevent contamination and spoilage.

(k) An approved source of power must be provided for cooking purposes in the kitchen.

(l) All working areas in the kitchen must have an approved surface that can be cleaned easily.

(m) An adequate number of suitable refuse bins with lids must be provided in the kitchen.

(n) If cutlery and crockery are required for use by the children, an adequate supply of cutlery and crockery must be available in the kitchen for the use of each child.

24. Storage

(1) Any premises on which a child care service for children of compulsory school-going age is operated must have adequate and suitable storage space and storage facilities for -

(a) Food, crockery, cutlery and kitchen utensils;

(b) The personal belongings of each child; and

(c) The personal belongings of the staff of the child care service.

(2) The children may not have access to any storage space or storage facility contemplated in subsection (1).

25. Seating

On any premises on which a child care service for children of compulsory school-going age is operated -

- (a) Suitable seating must be provided for each child; and
- (b) Suitable and safe tables of the correct size to ensure that each child sits comfortably must be provided.

PART E FACILITIES FOR STAFF

26. Staff toilet and hand-washing facilities

Any premises on which a child care service is operated must have toilet and hand-washing facilities for the staff of the child care service. Such toilet and hand-washing facilities must meet the following requirements:

- (a) The staff's toilet and hand-washing facilities must be easily accessible to the staff and be separate from the toilet and wash facilities used by the children.
- (b) Soap and towels must be available in the staff's toilet and hand-washing facilities at all times.

27. Bathroom facilities of staff resident on the premises

If the staff of a child care service resides on the premises on which the child care service is operated, the toilet and bathroom facilities for the staff must be easily accessible from the living quarters of the staff.

PART F SAFETY AND MEDICAL CARE OF CHILDREN IN ALL CHILD CARE SERVICES

28. Medical care of children

- (1) Any person who operates a child care service must - A health certificate holder must - The person in charge of a child care service must -
 - (a) in respect of any child who becomes ill or has suffered an injury requiring medical

attention -

- (i) notify the child's parent or guardian immediately;
 - (ii) Summon medical assistance; and
 - (b) in respect of any child who becomes ill or has suffered any injury, but does not require medical assistance, provide the necessary care and treatment in the sickbay on the premises of the child care service;
 - (c) In the event of any child having a notifiable disease, notify the relevant authority immediately; and
 - (d) in respect of children under compulsory school-going age, ensure that all the children have completed the basic immunisation schedules as deemed necessary by the Municipality, provided that if the children are too young for the immunisation, the health certificate holder / person operating the child care service ensures that the immunisation schedule is completed as soon as the children are old enough.
- (2) A telephone must be available to notify a parent or guardian and summon medical assistance in accordance with subsection (1).

29. Safety measures

Any person who operates a child care service must take the following safety measures on the premises on which the child care service is operated:

- (a) The children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other object or thing which may be dangerous or cause injury to any child.
- (b) Any slats or rails forming part of an enclosure, security gate, playpen, bed, cot or any other object or structure whatsoever for children under compulsory school-going age must meet the following requirements:
 - (i) The slats or rails may not be more than 75 mm apart.
 - (ii) The slats or rails must be suitably installed and be maintained in a good state of repair.
 - (iii) If the slats or rails are painted, only non-toxic paint may be used.
- (c) All medicines, pesticides, detergents and other substances that may be harmful to children must be stored so as not to be accessible to any child.
- (d) No noxious or poisonous plant or shrub is permitted on the premises, and no animal

may be kept on the premises without the approval of the Environmental Health Practitioner.

(e) No person known or suspected to be suffering from an infectious or contagious disease and no person who has been in contact with a person so suffering is allowed on the premises while such person is in the opinion of the Environmental Health Practitioner capable of communicating the infectious or contagious disease.

(f) No paddling pool, swimming pool, sand pit or other structure is permitted on the premises of a child care service for children under compulsory school-going age unless the approval of the Environmental Health Practitioner has been obtained.

(g) The provisions of the regulations relating to the exclusion of children from school on account of an infectious disease, which regulations are made under the Health Act, 1977, must be complied with.

(h) Any reasonable measures that may in the opinion of the Environmental Health Practitioner be necessary to protect the children from any physical danger must be taken.

30. General obligations

(1) The health certificate holder must, in respect of the child care service to which his or her health certificate relates -

(a) Ensure that, while the children are in the care of the child care service, the children are at all times properly cared for and under the direct supervision of an adequate number of adults;

(b) Maintain every part of the premises on which the child care service is operated, including any outdoor area and all structures and equipment, in good repair and in a clean and tidy condition;

(c) Ensure that all persons on the premises on which the child care service is operated are physically clean and in a state of good health;

(d) Ensure that no person on the premises on which the child care service is operated uses tobacco or any tobacco product in the presence of any child;

(e) Ensure that no person on the premises on which the child care service is operated is under the influence of alcohol, any drug or any other harmful substance; and

(f) Ensure that, if meals are provided for children -

- (i) The meals meet the requirements of the relevant authority;
 - (ii) All menus for the meals are approved by the relevant authority and are adhered to; and
 - (iii) The menus for the meals are so displayed as to be visible to the parents of the children.
- (2) If any child care service for children under compulsory school-going age transports children to and/or from the premises of the child care service, must ensure that -
- (a) While being transported, the children are supervised by at least one adult apart from the driver of the vehicle until the children are handed over to their parents or guardians;
 - (b) The doors of the vehicle in which any child is transported are lockable such that they cannot be opened from inside the vehicle by a child;
 - (c) No child is transported in the front seat of a vehicle;
 - (d) A baby in a carry cot is not placed under a seat of a vehicle;
 - (e) The vehicle in which any child is transported is not overloaded in terms of any applicable law;
 - (f) The driver of the vehicle in which any child is transported is licensed to transport passengers in accordance with the applicable law; and
 - (g) The vehicle in which any child is transported is licensed and is roadworthy in accordance with the applicable laws.

PART G

CONDITIONS AND REQUIREMENTS APPLICABLE TO THE OPERATION OF ALL CHILD CARE SERVICES

31. Application for admission

- (1) A health certificate holder must ensure that an application form requesting the following information is completed in full by the parent or guardian of a child on the admission of the child to the child care service to which the health certificate relates:
- (a) The child's name and date of birth;
 - (b) The name, address and telephone number of the parent or guardian;
 - (c) The place of employment and work telephone number of the parent or guardian;

(d) The name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and

(e) The name, address and telephone number of the child's medical practitioner.

(2) A health certificate holder must ensure that, on the application form referred to in subsection (1), the parent or guardian gives permission for the child's medical practitioner to be consulted.

(3) A health certificate holder must, in respect of a child care service for children under school-going age, ensure that any application form contemplated in subsection (1) is retained for a minimum of two years, and the date of the child's admission to the child care service and the date of the termination of the child's care in the child care service must be recorded on the application form.

32. Registers

(a) A register in which is recorded the particulars and dates in respect of -

(i) All children who have been admitted to the child care service; and

(ii) All children who are no longer in the care of the child care service; and

(b) A register of attendance in which -

(i) The presence or absence of each child is noted daily; and

(ii) Each child's date of birth is recorded.

33. Medical reports

Any person who operates a child care service must obtain from the parent or guardian of each child admitted to the child care service a report which contains the following health information and which must be retained:

(a) Information concerning the child's general state of health and physical condition;

(b) Information about and the dates of any operations that the child has undergone and any illnesses and communicable diseases that the child has suffered from;

(c) If the child is under compulsory school-going age, details of any immunisation that the child has received; and

(d) Details of allergies that the child suffers from, and information about medical treatment that the child is undergoing or has undergone.

34. Journal

Any person who operates a child care service must keep a journal, diary, logbook or other similar book in which important or significant events relating to the child care service and the children, including accidents, are recorded.

35. Suspension or termination of operation

A health certificate holder must notify the Municipality of the suspension or termination of the operation of the child care service to which his or her health certificate relates.

36. Right of entry and inspection of premises and records

A duly authorised officer of the Municipality may, for any purpose connected with the enforcement of these by-laws, at all reasonable times and without prior notice -

- (a) Enter any premises on which a child care service is operated; or
- (b) Enter any premises if he or she has reasonable grounds to suspect that a child care service is operated on the premises, in order to carry out such examination, inquiry or inspection on the premises as he or she may deem necessary.

PART H**OFFENCES, PRESUMPTIONS, AND WITHDRAWAL OF CERTIFICATES****37. Offences**

(1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any premises -

- (a) Denies the official entry to the premises or causes or permits any other person to deny the official entry;
- (b) Obstructs or hinders the official in the performance of the official's duties or causes or permits any other person to so obstruct or hinder the official;
- (c) Fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or
- (d) Knowingly gives the official false or misleading information or causes or permits

any other person to give the official such information.

(2) A person is guilty of an offence under these by-laws if he or she unlawfully prevents any other person from entering any premises on which a child care service is operated.

(3) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws or any requirement imposed by the Environmental Health Practitioner in terms of section 4.

(4) A health certificate holder is guilty of an offence under these by-laws if, in respect of the child care service to which his or her health certificate relates, he or she allows

(a) A greater number of children than the number stated on the health certificate to be enrolled in the child care service or to be present on the premises of the child care service;

(b) A child to be enrolled in the child care service or to be present on the premises of the child care service if such child is older than the maximum age or younger than the minimum age for children who may be cared for on the premises in terms of the health certificate;

(c) The child care service to be operated during hours not stated in the health certificate.

(5) A person who is guilty of an offence under these by-laws is liable on conviction to a fine not exceeding R20 000,00*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment. In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine not exceeding R20 000,00*, to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

38. Withdrawal of health certificates

The Municipality may at its discretion withdraw a health certificate and/or certificate of acceptability issued in terms of these by-laws if the health certificate holder is convicted of a breach of any of the provisions of these by-laws.

39. Presumptions

If, in any prosecution under these by-laws, it is alleged -

- (a) That the owner, lessee or occupier of any premises operates a child care service on those premises, he or she will be deemed to have operated a child care service on those premises unless the contrary is proved; and
- (b) That a child was of a certain age, such child will be deemed to have been that age unless the contrary is proved.

8. PUBLIC AMENITIES BY-LAW

1. Purpose of By-Law

- To promote the achievement of a safe and peaceful environment;
- To provide for procedures, methods and practices to regulate the use and management of public amenities.

2. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa:-

“Council” means the council of the Municipality or any political structure, political office bearer, councillor, or any staff member acting under council’s delegated or sub-delegated authority;

“Municipality” means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000;

“Notice” means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the council shall make known provisions and directions adopted by it in terms of this by-law;

“Public Amenity” means -

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

(b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the council and to which the general public has access, whether on payment of admission fees or not;

but excluding:

- (i) any public road or street;
- (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the council, and
- (iii) any public amenity hired from the council;

3. Maximum number of visitors

- (1) The council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The number contemplated in subsection (1) are made known by the council by means of a notice.

Admission to and sojourn in a public amenity

- (3) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the council;
 - a) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
 - b) The times and places contemplated in subsections (1) and (2), shall be made known by the council by means of a notice.

4. Entrance fees

- (1) A visitor to a public amenity shall pay entrance fees determined from time to time by the council and such entrance fees shall be made known by means of a notice.

- (2) Different entrance fees may be determined in respect of visitors of different ages and the council may exempt certain groups of persons from the payment of an entrance fee.

5. Nuisances

No person shall perform or permit any of the following acts in or at a public amenity -

- (a) the use of language or the performance of any other act which disturbs the good order;
- (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the council's written consent;
- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;
- (e) the production of smoke nuisances;
- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
- (g) the begging for money, food, work or the offering of services, or
- (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

6. Health matters

No person shall in or at a public amenity-

- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
- (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

7. Structures

No person shall without the written consent of the council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice;

8. Liquor and food

- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) No person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice; provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

9. Animals

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the council.
- (2) The directions contemplated in subsection (1) shall be made known by means of a notice.

10. Use of public amenities

- (1) No person shall without the consent of the council or contrary to any condition which the council may impose when granting such consent -
 - (a) arrange or present any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold or address any meeting;
 - (e) arrange or hold a public gathering or procession, exhibition or performance;
 - (f) conduct any trade, occupation or business;
 - (g) display, sell or rent out or present for sale or rent any wares or articles;
 - (h) hold an auction;
 - (i) tell fortunes for compensation;
- (2) For the purposes of this by-law “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

11. Safety and order

- (1) No person shall, subject to subsection (2), in or at a public amenity-
 - (a) damage or disfigure anything within such amenity;

- (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
- (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
- (d) throw away any burning or smouldering object;
- (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
- (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
- (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
- (h) cause a disturbance;
- (i) wash, polish or repair a vehicle;
- (j) walk, stand, sit or lie in a flower bed;
- (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
- (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
- (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
- (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
- (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;.
- (2) The council may by way of notice and subject to such conditions as the council deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

12. Water

No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

13. Laundry and crockery

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

14. Vehicles

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the council;
- (2) The council determines the speed limit applicable in a public amenity;
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the council by way of notice.

15. Games

No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the council and which is made known by way of notice.

16. Penalties

Any person who contravenes or fails to comply with a provision of this by-law, a notice issued in terms of this by-law or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence and liable upon conviction to:

- (1) a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional

imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

9. KEEPING OF ANIMALS, BIRDS AND POULTRY

1. Purpose of By-Law

To promote the interests of animals and residents by exercising control over the numbers and kinds of animals that may be kept as well as the conditions under which such animals may be kept, sheltered and cared for and to provide for the prevention of nuisances through the keeping of such animals.

2. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates: -

"**Animals**" mean members of the equine family, cattle, sheep, goats, pigs, fowls, dogs, cats, or other domestic animals or birds, or any wild animal, wild bird or reptile which is in captivity or under the control of a person;

"**Municipality**" means the Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

"**Nuisance**" means, any act, omission or condition which is, in the opinion of the municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood, and

"**Pets**" means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

"**Premises**" means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes any residential sites outside townships provided by government departments, semi-government institutions or industries;

Written permission

No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this by-law are not complied with; provided that the provisions of this section shall not apply to premises or land which is zoned for agricultural purposes.

Number of animals

For the purpose of controlling and restricting the keeping of animals within townships, the municipality may from time to time determine the number, kind and sex of animals that may be kept and the areas within which such animals shall be prohibited.

Plans for structures and management

An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.

Detailed plans and specifications shall be submitted to and approved by the municipality in respect of all structures where animals are to be accommodated.

An exposition of the number, kinds, sizes and sex of animals shall accompany the plan.

Notwithstanding anything to the contrary contained in this bylaw the municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, sitting or geographical features is unsuitable for the keeping of animals thereon.

3. Structures shall comply with requirements

- (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the municipality
- (2) No structure shall be sited within a distance of 15 m from any dwelling and staff quarters or the boundary of a residential erf and 8 m from any road boundary. The municipality may however, depending on circumstances allow relaxation of the said distances.
- (3) Every part of the structure shall be properly maintained and painted as often as the municipality may deem necessary.
- (4) No animals shall be kept in a structure or on land which is considered by the municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

4. Premises to be kept clean

All manure from animals shall be stored in a manner approved by the municipality and disposed of on a regular basis so as to prevent any nuisance from being created.

- (1) All feed shall be stored in a rodent-proof place.
- (2) The premises shall be kept in such condition as not to attract or provide

shelter for rodents.

5. Animals and pets kept in an unsatisfactory manner

Whenever, in the opinion of the municipality, any animals or pets kept on any premises, whether or not such premises have been approved by the municipality under this by-law, are a nuisance or danger to health, the municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the municipality may deem necessary for the said purpose.

6. Stray animals and pets

- (1) The municipality may seize animals or pets found on any premises, land or road which are not under supervision or control of any person and which are causing a nuisance or danger to the safety and health of persons.
- (2) Animals or pets seized in terms of sub-section (1) may be destroyed or caused to be destroyed by the municipality with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as possible.

7. Dog Kennels and Catteries

Requirements for premises

No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:

- (1) Every dog or cat shall be kept in an enclosure complying with the following requirements:

- (a) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
 - (b) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
 - (c) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (b) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
- (2) Every enclosure referred to in paragraph (1) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
- (a) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (b) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be covered.
 - (c) Every shelter shall have adequate access thereto for the cleaning thereof and for extermination of vermin.

- (3) 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 paragraph (2), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (4) A concrete apron at least 1 m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- (5) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- (6) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with closefitting lids in such store-room.
- (7) At least 5 m of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- (8) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the municipality.
- (9) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

8. Pet Shops

Requirements for premises

No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

- (1) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material shall have a smooth internal surface and shall be painted with a light coloured washable paint or given some other approved finish.
- (2) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
- (3) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light coloured washable paint.
- (4) Sanitary facilities shall be provided in terms of the National Building Regulations.
- (5) A rodent-proof store-room shall be provided to the satisfaction of the municipality.
- (6) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the municipality.
- (7) If required, change room or locker facilities shall be provided to the satisfaction of the municipality.
- (8) No door, window or other opening in any wall of a building on the premises shall be within 2 m of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.

- (9) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored.

9. Business requirements

Every person who conducts the business of a pet shop shall:

- (1) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
- (a) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (b) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - (c) If rabbits are kept in a cage, the metal tray referred to in subparagraph (a) shall drain into a removable receptacle.
 - (d) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
- (2) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;
- i. maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;

- ii. take effective measures to prevent the harboring or breeding of, and to destroy, flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- iii. provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- iv. at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- v. provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- vi. ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- vii. ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets, and
- viii. ensure that the number of pets per cage is not such that the free movement of such pets is impeded

10. Pet Salons

Requirements for premises

No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

- (1) A room shall be provided with a minimum floor area of 6,5 m² for the washing, drying and clipping of dogs or cats.
- (2) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
- (3) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
- (4) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.
- (5) The room shall be equipped with -
 - (a) A bath or similar facility with a constant supply of hot and cold . water. drained in terms of the National Building Regulations;
 - (b) An impervious-topped table, and
 - (c) A refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- (6) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

11. Business requirements

Every person who conducts the business of a pet salon shall -

- (1) ensure that every cage, including its base, is of metal construction and movable;

- (2) ensure that all pesticidal preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
- (3) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
- (4) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, in good repair and free of vermin;
- (5) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the municipality.
- (6) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat litter, and
- (7) remove all litter and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (6).

12. Penalty

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

- (1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the

option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

10. ELECTRICITY BY-LAW

1. Purpose of by-Law

- To provide for the supply of electricity to the residents within the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate such provision of electricity.

2. Definition

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

"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" 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 $44\text{kV} < U_n \leq 220\text{ kV}$. [SABS 1019];

“low voltage” means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an 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 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 kW input ratings of all the individual motors connected to an installation;

“motor rating” means the maximum continuous kW output of a motor as stated

on the maker's rating plate;

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

"municipality" means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

"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; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by 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;

"pre-payment 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.

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.

Headings and titles

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

GENERAL CONDITIONS OF SUPPLY

3. Provision of Electricity Services

Only the municipality shall supply or contract for the supply of electricity within its area of jurisdiction with the exception of those areas where electricity is supplied by Eskom.

4. Supply by agreement

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

5. Service of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-
1. when it has been delivered to that person personally;
 2. 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;
 3. when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 4. 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
 5. if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

6. 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.

7. Application for supply

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the

supply of electricity is required in order to facilitate the work of the municipality.

- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the municipality, which may specify any special conditions to be satisfied in such case.

8. 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.

9. Wayleaves

- (1) The municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (a) 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.

10. 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 or a court of law.
- (3) The municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or under the control or management of the municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

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

- (1) The municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-
- (a) doing anything authorised or required to be done by the municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme

or undertaking of the municipality and making any necessary survey in connection therewith;

- (d) ascertaining whether there is or has been a contravention of the provisions of this by-law *or any other law*, and
- (e) enforcing compliance with the provisions of this by-law *or any other law*,

- (2) The municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) The municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, to allow 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.

12. Refusal or failure to give information

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

13. Refusal of admittance

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

Improper use

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

14. Electricity tariffs and fees

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

15. Deposits

Thabazimbi Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the municipality. The amount of the deposit in respect of each electricity installation shall be determined by the municipality, and each such deposit may be increased if the municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part

payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the municipality shall be refunded to the consumer.

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

17. Interest on overdue accounts

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

18. Resale of electricity

(1) Unless otherwise authorised by the municipality, no person shall sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, 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.

(2) 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.

19. 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, provided the municipality has given the person 14 (fourteen) days

notice to remedy his/her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of Section 26 of this by-law, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the municipality shall be paid.

- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

20. Non-liability of the Municipality

The municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the municipality.

21. 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.

22. Failure of supply

The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality shall have the right to

charge the consumer the fee as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

23. Seals of the Municipality

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

24. 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.

25. 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. Any such unauthorised connection or diversion shall be removed by the municipality and the costs thereof be recovered from the owner or occupier of the premises on which the unauthorised connection was made or from which electricity was diverted.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (2) The municipality may, subject to written notice of at least 14 days, demolish, alter or other wise 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.

26. Prevention of tampering with service connection or supply mains

- (1) 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.

27. Unauthorised connections

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

28. Unauthorised reconnections

- (1) No person other than a person specifically authorised thereto by the municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected

and any other charges raised in this regard. Furthermore, the municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

29. Temporary disconnection and reconnection

- (1) The municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the municipality shall waive payment of the fee hereinbefore referred to.
- (3) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

30. Temporary supplies

- (1) 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.

31. Temporary work

- (1) 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.

32. Load reduction

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

may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).

33. 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, be paid for by the consumer.
- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved and installed by 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 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.

34. Substation accommodation

- (1) The municipality may, on such conditions as it may be deemed fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and

unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, such additional accommodation shall be provided by the applicant at the cost of the municipality.

35. 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 complete 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.

36. 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.

37. Consumer's emergency standby supply equipment

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

38. Circular letters

The municipality may from time to time issue circulars detailing the requirements 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.

RESPONSIBILITIES OF CONSUMERS**39. 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.

40. 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.

41. Discontinuance of use of supply

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

42. Change of occupier

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

an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

43. 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.

SPECIFIC CONDITIONS OF SUPPLY**44. Service connection**

- (1) The consumer shall bear the cost of the service connection, as approved by the municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the municipality, shall vest in the municipality, the municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the municipality in respect of such service connection.
- (3) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises, shall be determined by the municipality.
- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches and fastenings as may be required by the municipality for the installation of the service connection.
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the municipality.
- (7) Unless otherwise approved, the municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging

to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.

- (8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

45. Metering accommodation

- (1) The consumer shall, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of 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. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment shall be provided.

- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a 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.
- (5) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

SYSTEMS OF SUPPLY

46. 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.

47. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be

approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the municipality.

- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the municipality.

48. Interference with other persons' electrical equipment

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

49. Supplies to motors

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

- (1) Limited size for low voltage motors -

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 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 ² , copper equivalent mm ² | 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.

50. 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.

51. Protection

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

MEASUREMENT OF ELECTRICITY**52. Metering**

- (1) The municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the municipality and read at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 58(2) of

- this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
 - (4) The municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
 - (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the municipality.

53. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the municipality shall -
 - (i) in the case of a 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 (6).

- (3) The consumer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

- (9) (a) Prior to the municipality making any upward adjustment to an account in terms of sub-section (6), the municipality shall -
- (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 9(a)(iii) the municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The municipality shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (d) If the municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the municipality in terms of section 62 of the Municipal Systems Act, 2000.

54. Reading of conventional meters

- (1) Unless otherwise prescribed, conventional meters shall normally be read at intervals of one month.
- (2) If for any reason the conventional meter cannot be read, the municipality render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

55. 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 (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, 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.

56. Electrical Contractors

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

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

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.

57. Cost of work

The municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work

carried out by the municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

58. Penalties

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 and upon conviction be liable to -

- (1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

SCHEDULE 1

“applicable standard specification” means

SABS 1607 Electromechanical watt-hour meters,

SABS 1524 Parts 0,1 & 2 - Electricity dispensing systems,

SABS IEC 60211 Maximum demand indicators, Class1.0,

SABS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),

SABS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service

NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply, and

NRS 057 Electricity Metering: Minimum Requirements

11. WATER SUPPLY BY-LAW**CHAPTER I : General provisions****Part A : Definitions**

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Part B : Application for water services

Application for water services

Special agreements for water services

Part C : Tariffs and charges

Prescribed tariffs and charges for water services

Fixed charges for water services

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Accounts

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SCHEDULE A : Acceptance of industrial effluent for discharge into the sewage disposal system

CHAPTER I: GENERAL PROVISIONS

PART A: DEFINITIONS

1. Definitions

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

| | |
|--|---|
| “accommodation unit” | in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose; |
| “Act” | means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time; |
| “approved” | means approved by the municipality; |
| “authorised agent” | means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, this by-law; |
| “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 acceptable to society, 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 and includes a spring; |

| | |
|---------------------------------------|--|
| "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); |
| "communal water services work" | means a consumer connection through which water services are supplied to more than one person; |
| "connection pipe" | means a pipe, the ownership of which is vested in the municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I; |
| "connecting point" | means the point at which the drainage installation joins the connecting sewer; |
| "connecting sewer" | means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement; |
| "consumer" | <p>means -</p> <p>(a) any occupier of any premises to which or on which the municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided</p> |

that where water services is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the municipality has agreed to provide water services; or

- (b) a person that obtains access to water services provided through a communal water services work;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;

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| “effluent” | means any liquid whether or not containing matter in solution or suspension; |
| “emergency” | means any situation that poses a risk or potential risk to life, health, the environment or property; |
| “environmental cost” | means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident; |
| “fire hydrant” | means an installation that conveys water for fire fighting purposes only; |
| “fixed quantity water delivery system” | means a water installation, which delivers a fixed quantity of water to a consumer in any single day; |
| “flood level (1 in 50 year)” | means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years; |
| “flood plain (1 in 50 year)” | means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years; |
| “high strength sewage” | means sewage with a strength or quality greater than standard domestic effluent; |
| “industrial effluent” | means effluent emanating from industrial use of water, includes for purposes of this by-law, any effluent other than standard domestic effluent or storm water; |
| “installation work” | means work in respect of the construction of, or carried |

out on a water installation;

"main" means a pipe, other than a connection pipe, vesting in the municipality and used by it for the purpose of conveying water to a consumer;

"measuring device" means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

"meter" means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;

"municipality" means the Municipality of the established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

"occupier" means a person who occupies any premises or part thereof, without regard to the title under which he or she

occupies;

"owner"

means -

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title 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 such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 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 (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 such a person;

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| "person" | means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust; |
| "pollution" | <p>means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -</p> <ul style="list-style-type: none">(a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or(b) harmful or potentially harmful -<ul style="list-style-type: none">(i) to the welfare, health or safety of human beings;(ii) to any aquatic or non-aquatic organism; |
| "premises" | <p>means any piece of land, the external surface boundaries of which are delineated on -</p> <ul style="list-style-type: none">(a) 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 Registries Act, 1937 (Act No. 47 of 1937); or(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);(c) a register held by a tribal authority; |

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| "prescribed tariff or charge" | means a charge prescribed by the municipality; |
| "public notice" | means notice to the public in a manner determined by the council; |
| "public water" | means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access; |
| "sanitation services" | has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent; |
| "service pipe" | means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises; |
| "sewage" | means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water; |
| "sewage disposal system" | means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage. |

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| "sewer" | means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined; |
| "standard domestic effluent" | means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent; |
| "storm water" | means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water; |
| "terminal water fitting" | means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation; |
| "trade premises" | means premises upon which industrial effluent is produced; |
| "water fitting" | means a component of a water installation, other than a pipe, through which water passes or in which it is stored; |
| "water installation" | means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such |

premises or is otherwise laid with the permission of the municipality;

“water services” has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of this by-law water for industrial purposes and the disposal of industrial effluent;

“water supply system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

“wet industry” means an industry which discharges industrial effluent;
and

“working day” means a day other than a Saturday, Sunday or public holiday.

(1) Any word or expression used in this by-law to which a meaning has been assigned in -

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

(2) Any reference in Chapter I of this by-law to water services or services must be interpreted as referring to water supply services or sanitation services

depending on the services to which it is applicable.

PART B: APPLICATION FOR WATER SERVICES

2 Application for water services

- (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of sub-section (1) exists.
- (3) The municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and / or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her or it.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (6) An application agreed to by the municipality shall constitute an agreement between the municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (7) A consumer shall be liable for all the prescribed tariffs and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this by-law or until such time as any

arrears have been paid.

- (8) In preparing an application form for water services the municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) An application form will require at least the following minimum information -
- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of the by-law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) Name of consumer;
 - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) source of income of the applicant;
 - (g) name and address of the applicant's employer, where appropriate;
 - (h) if water will be supplied, the purpose for which the water is to be used; and
 - (i) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this by-law and the conditions contained in the relevant agreement.
- (11) If a municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the municipality will inform the consumer of such refusal and/or inability, the

reasons therefore and, if applicable, when the municipality will be able to provide such water services.

3. Special agreements for water services

The municipality may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality having jurisdiction in the area in which the premises is situated.

PART C: TARIFFS AND CHARGES

4 Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the municipality in terms of this by-law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the municipality by a resolution passed by the Council in accordance with:

- (i) its tariff policy;
- (ii) any by-law in respect thereof; and
- (iii) any regulations in terms of section 10 of the Act.

5. Fixed charges for water services

- (1) The municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge

in respect of the provision of water services in accordance with -

- (a) its tariff policy;
- (b) any by-law in respect thereof; and
- (c) any regulations in terms of Section (10) of the Act.

(2) Where a fixed charge is levied in terms of Sub-Section (1), it shall be payable by every owner or consumer in respect of water services provided by the municipality to him, her or it, whether or not water services are used by him, her or it.

PART D: PAYMENT

6. Payment of deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the municipality, deposit with the municipality a sum of money as determined in terms of the municipality's credit control policy except in the case of a pre-payment measuring device being used by the municipality.
- (2) The municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) No interest shall be payable by the municipality on the amount of a deposit held by it in terms of this section.
- (4) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the municipality if it has not been claimed within twelve months of the termination of the agreement.

7. Payment for water services provided

- (1) Water services provided by the municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with sections 4 and 5, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.

PART E: ACCOUNTS**8. Accounts**

- (1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the municipality.
- (2) Failure by the municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

PART 6: TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES**9. Termination of agreement for the provision of water services**

- (1) A consumer may terminate an agreement for the provision of water services by giving to the municipality notice in writing of his or her intention to do so.
- (2) The municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of

water services if -

- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of this bylaw and has failed to rectify such failure to comply on notice in terms of section 17.
- (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.

(3) The municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

10. Limitation and / or discontinuation of water services provided

(1) The municipality may limit or discontinue water services provided in terms of this bylaw

- (a) on failure to pay the prescribed tariffs or charges on the date specified in the municipality's by-law relating to credit control.
- (b) on failure to comply with any other provisions of this by-law, after notice in terms of section 17 was given;
- (c) at the written request of a consumer;
- (d) if the agreement for the provision of services has been terminated in terms of section 9 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination;
- (e) the building on the premises to which services were provided has been demolished;
- (f) if the consumer has interfered with a limited or discontinued service; or
- (g) in an emergency.

(2) The municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of sub-section (1).

PART G: GENERAL PROVISIONS**11. Responsibility for compliance with this by-law**

(1) The owner of premises is responsible for ensuring compliance with this by-law in respect of all or any matters relating to any installation.

(2) The consumer is responsible for compliance with this by-law in respect of matters relating to the use of any installation.

12. Exemption

(1) The municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of this by-law that may result in -

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of this by-law; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

(2) The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

13. Unauthorised use of water services

(1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the municipality for the rendering

of those services.

- (2) The municipality may, irrespective of any other action it may take against such person in terms of this by-law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the municipality for the rendering of those services,
- (a) to apply for such services in terms of sections 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these by-law.
- (3) The provisions of section 17 shall apply to a notice in terms of sub-section (2) above.

14. Change in purpose for which water services are used

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the municipality.

15. Interference with water supply system or any sanitation services

(1) No person other than the municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by this by-law or an authorised agent.

- (2) No person other than the municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

16. Obstruction of access to water supply system or any sanitation services

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.

- (2) If a person contravenes sub-section (1), the municipality may -
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

17. Notices and documents

- (1) A notice or document issued by the municipality in terms of this by-law must be deemed to be duly authorised if the authorised agent signs it.

- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this by-law such service shall be effected by -

- (a) delivering it to him or her personally or to his or her duly authorised agent;
- (b) delivering it at his or her residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
- (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
- (g) if service cannot be effected in terms of sub-sections (a) to (f), by affixing it to a principal door of entry to the premises concerned.

- (3) In the case where compliance with a notice is required within a specified number

of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

18. Power to serve and compliance with notices

(1) The municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this by-law or of any condition imposed thereunder to remedy such breach within a period specified in the notice.

(2) If a person fails to comply with a written notice served on him or her by the municipality in terms of this by-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) limiting or discontinuing the provision of services; and
- (c) instituting legal proceedings.

(3) A notice in terms of sub-section (1) will -

- (a) give details of the provision of the by-law not complied with;
- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality -

- (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the municipality may without prior notice undertake the work required by sub-section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the municipality in terms of sub-sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

19. Power of entry and inspection

- (1) A municipality may enter and inspect any premises -
 - (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of this by-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

20. False statements or information

No person shall make a false statement or furnish false information to the municipality or falsify a document issued in terms of this by-law.

21. Offences

- (1) No person may -
- (a) unlawfully and intentionally or negligently interfere with any water services works of the municipality;
 - (b) refuse or neglect to provide information or provide false information reasonably requested by the municipality;
 - (c) refuse to give access required by a municipality in terms of Section 19;
 - (d) obstruct or hinder a municipality in the exercise of his or her powers or performance of his or her functions or duties under this by-law;
 - (e) contravene or fail to comply with a provision of this by-law;
 - (f) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (g) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this by-law; or
 - (h) fail to comply with the terms of a notice served upon him or her in terms of this by-law;
- (2) Any person who contravenes any of the provisions of sub-section 1 shall be guilty of an offence and liable on conviction to:
- (a) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine 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 of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

CHAPTER II: WATER SUPPLY SERVICES

PART A: CONNECTION TO WATER SUPPLY SYSTEM

22. Provision of connection pipe

(1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.

(2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

23. Location of connection pipe

- (1) A connection pipe provided and installed by the municipality shall -
- (a) be located in a position agreed to between the owner and the municipality and be of a suitable size as determined by the municipality;
 - (b) terminate at -
 - (i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the municipality shall ensure that the owner is aware of:
- (a) practical restrictions that may exist regarding the location of a connection pipe;

- (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.
- (3) A municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

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

- (1) Notwithstanding the provisions of section 22 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the municipality may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.

- (3) Where the municipality has installed a single measuring device as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) must, if the municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding sub-section (1), the municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the municipality under sub-section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

25. Interconnection between premises or water installations

An owner of premises shall ensure that no interconnection exists between -

- (a) the water installation on his or her premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;

unless he or she has obtained the prior written consent of the municipality, and complies with any conditions that it may have imposed.

26. Disconnection of water installation from connection pipe

The municipality may disconnect a water installation from the connection pipe and remove the connection pipe if -

- (a) the agreement for supply has been terminated in terms of section 9 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART B: COMMUNAL WATER SERVICES WORKS

27. Provision of a water services work for water supply to several consumers

A municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART C: TEMPORARY SUPPLY

28. Water supplied from a hydrant

- (1) The municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in sub-section (1) must apply for such water services in terms of section 2.

- (3) The supply of water in terms of sub-section (1) must be measured.
- (4) The municipality may for purposes of measuring provide a portable water meter to be returned to the municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the municipality and will be provided subject any conditions imposed by the municipality.

PART D: STANDARDS AND GENERAL CONDITIONS OF SUPPLY

29. Quantity, quality and pressure

Water supply services provided by the municipality will comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

30. General conditions of supply

- (1) The municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (2) The municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART E: MEASUREMENT OF WATER SUPPLY SERVICES**31. Measuring of quantity of water supplied**

(1) The municipality will measure the quantity of water supplied at regular intervals.

(2) Any measuring device through which water is supplied to a consumer by the municipality and its associated apparatus shall be provided and installed by the municipality, shall remain its property, and may be changed and maintained by the municipality when deemed necessary by it.

(3) The municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.

(4) If the municipality installs a measuring device on a service pipe in terms of sub-section (5) it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.

(5) If the municipality installs a measuring device together with its associated apparatus on a service pipe in terms of sub-section (3), the owner shall -

- (a) provide a place satisfactory to the municipality in which to install it;
- (b) ensure that unrestricted access is available to it at all times;
- (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
- (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
- (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the municipality on the measuring device.

- (6) No person other than an authorised agent shall -
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the municipality considers that, in the event of the measuring device being a meter, that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

32. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the municipality on the premises of a consumer or, where applicable, estimated or determined by the municipality in terms of any provision of this by-law, it will, for the purposes of this by-law, be deemed, unless the contrary can be proved, that -
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the municipality were correctly made; and
 - (d) if water was supplied to, or taken by a consumer without its passing through a

measuring device, the estimate by the municipality of the quantity of such water was correct.

(2) Where water supplied by the municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the municipality, the municipality may for the purpose of rendering an account estimate, in accordance with sub-section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

(3) For the purposes of sub-section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the municipality may decide -

- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in sub-section (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in sub-section (3)(a).

(4) Nothing in this by-law shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the municipality on any premises to be measured at the end of every month or any other fixed period, and the municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

(5) The municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.

(6) If a contravention of section 31(6) occurs, the consumer shall pay to the municipality the cost of such quantity of water as in the municipality's opinion was supplied to him or her.

(7) Until such time that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.

(8) Where in the opinion of the municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the municipality may in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

33. Defective measurement

If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the municipality is defective he or she may take the steps as provided for in the municipality's by-law relating to credit control and debt collection.

34. Special measurement

(1) If the municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of a measuring device referred to in sub-section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the municipality.

(3) The provisions of sections 31(5) and 31(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of sub-section (1).

35. No reduction of amount payable for water wasted

A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

PART F: INSTALLATION WORK

36. Approval of installation work

(1) If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) Application for the approval referred to in sub-section (1) shall be made on the prescribed form and shall be accompanied by -

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252 : Part I; and
- (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.

(3) The provisions of sub-sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

(4) Authority given in terms of sub-section (1) shall lapse at the expiry of a period

of twenty-four months after the first day of the month succeeding the month in which the authority is given.

(5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of sub-section 1.

(6) If installation work has been done in contravention of sub-section (1) or (2), the municipality may by written notice require the owner of the premises concerned to -

- (a) comply with that regulation within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-law.

37. Provision and maintenance of water installations

(1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of sub-section (2), must ensure that the installation is situated within the boundary of his or her premises.

(2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the municipality or the owner of the land on which such portion is situated, as the case may be.

38. Use of pipes and water fittings to be authorised

(1) No person shall, without the prior written authority of the municipality, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.

(2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in sub-section (1) must be made on the form prescribed by the municipality and be

accompanied by the prescribed charge.

(3) A pipe or water fitting may be included in the Schedule referred to in Sub-Section (1) if -

- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
- (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.

(4) The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.

(5) A pipe or water fitting shall be removed from the Schedule if it -

- (a) no longer complies with the criteria upon which its inclusion was based; or
- (b) is no longer suitable for the purpose for which its use was accepted.

(6) The current schedule shall be available for inspection at the office of the municipality at any time during working hours.

39. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures -

- (i) 20 kPa
- (ii) 100 kPa
- (iii) 400 kPa

PART G: WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

40. Owner to prevent pollution of water

An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

41. Water restrictions

- (1) The municipality may by public notice to prevent the wasteful use of water in terms of section 42 or in the event of a water shortage, drought or flood

- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -

- (i) specified purposes;
- (ii) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and

- (b) determine and impose -

- (i) limits on the quantity of water that may be consumed over a specified period;
- (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in sub-section (1)(b)(i); and
- (iii) a general surcharge on the prescribed charges in respect of the supply of water; and

- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the

connection of such appliances to the water installation.

(2) The municipality may limit the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

(3) The municipality may -

- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
- (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of sub-section (1), subject to notice in terms of section 18;

(4) The provisions of this section shall also apply in respect of water supplied directly by the municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-section (1).

42. Waste of water unlawful

- (1) No consumer shall permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.

- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
- (3) If an owner fails to take measures as contemplated in sub-section (2), the municipality shall, by written notice in terms of section 18, require the owner to comply with the provisions of sub-section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

PART H: GENERAL PROVISIONS

43. Notification of boreholes

- (1) The municipality may, by public notice, require -
- (a) the owner of any premises within the area of jurisdiction of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

- (2) The municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- (4) The municipality may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to -
 - (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and
 - (c) to pay a fixed charge imposed by it in respect of the use of such a borehole.

44. Sampling of water

- (1) The municipality may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in sub-section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

45. Supply of non-potable water by municipality

- (1) The municipality may on application in terms of section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the

municipality may impose.

(2) Any supply of water agreed to in terms of sub-section (1) shall not be used for domestic or any other purposes, which, in the opinion of the municipality, may give rise to a health risk.

(3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the municipality or its suitability for the purpose for which the supply was granted.

(4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the municipality or the malfunction of a treatment plant.

46. Testing of pressure in water supply systems

The municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

47. Pipes in streets or public places

No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any municipality, except with the prior written permission of that municipality and subject to such conditions as it may impose.

CHAPTER III: SANITATION SERVICES**PART A: STANDARDS AND GENERAL PROVISIONS****48. Standards for sanitation services**

Sanitation services provided by the municipality will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

49. Objectionable discharge to sewage disposal system

(1) No person shall 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 in sections 66 to 69 below;
- (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
- (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
- (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
- (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
- (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may

- prejudice the use of any ground used by the municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this by-law; and
- (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water to enter the sewage disposal system.
- (3) The municipality may, by written notice, order the owner or occupier to conduct, at his or her 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 agent.
- (4) If any person contravenes any provision of sub-section (1) or sub-section (2) he or she shall within twelve hours, or earlier if possible, advise the municipality of the details of the contravention and the reasons for it.

PART B: ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

50. Application for infrastructure

- (1) If an agreement for on site sanitation and associated services in accordance with section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and -
- (a) pay the prescribed charge for the installation of necessary infrastructure; or
- (b) with the approval by the municipality and at the request of the owner, install the connecting sewer or on site sanitation services in accordance with the specifications of the municipality.
- (2) A municipality may specify the type of on site sanitation services to be installed.

51. Services associated with on-site sanitation services

(1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the municipality in accordance with a removal and collection schedule determined by the municipality.

(2) Copies of the collection and removal schedule will be available on request.

52. Charges in respect of services associated with on-site sanitation services

(1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges shall be payable in terms of the municipality's tariff policy when the service is rendered.

PART C: SEWAGE DISPOSAL**53. Provision of a connecting sewer**

(1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and -

- (a) pay the prescribed charge for the installation of such a connecting sewer; or
- (b) with the approval by the municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the municipality.

(2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the municipality may agree to the extension subject to such conditions as it may impose.

54. Location of connecting sewer

(1) A connecting sewer provided and installed by the municipality or owner in terms of section 54 shall -

- (a) be located in a position agreed to between the owner and the municipality and be of a size determined by an authorised officer;
- (b) terminate at a connection point approximately 1 meter 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 when sub-section (3) applies, at the connecting point designated in terms of that sub-section;

(2) In reaching agreement with an owner concerning the location of a connecting sewer, the municipality shall ensure that the owner is aware of

- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) the cost implications of the various possible locations of the connecting sewer;
- (c) whether or not the municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the municipality to connect to such installation.

(3) A municipality may at the request of any person agree, subject to such conditions as he or she 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 shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

(4) An owner must pay the prescribed connection charge.

(5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the municipality.

55. Provision of one connecting sewer for several consumers on same premises

(1) Notwithstanding the provisions of section 54 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the municipality may, in its discretion, provide and install either -

- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate connecting sewer for each accommodation unit or any number thereof.

(3) Where the municipality has installed a single connecting sewer as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -

- (a) must if the municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
 - (i) a separate connecting sewer; and
 - (ii) an isolating valve;
- (b) will be liable to the municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers

served by such connecting sewer.

(4) Notwithstanding sub-section (1), the municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

(5) Where the provision of more than one connecting sewer is authorised by the municipality under Sub-Section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

56. Interconnection between premises

An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the municipality and complies with any conditions that it may have imposed.

57. Disconnection of draining installation from connecting sewer

The municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART D: SEWAGE DELIVERED BY ROAD HAULAGE**58. Acceptance of sewage delivered by road haulage**

A municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the municipality's sewage treatment plants by road haulage.

59. Written permission for delivery of sewage by road haulage

(1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the municipality and subject to such period and any conditions that may be imposed terms of the written permission.

(2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs or charges.

60. Conditions for delivery of sewage by road haulage

- (1) When sewage is delivered by road haulage-
- (a) the time of delivery shall be arranged with the municipality; and
 - (b) the nature and composition of the sewage shall be established to the satisfaction of the municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of these by-law.

61. Withdrawal of permission for delivery of sewage by road haulage

- (1) The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person -
- (a) fails to ensure that the sewage so delivered conforms to the standards

- prescribed in Schedule "A" or in the written permission; or
- (b) 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; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

PART E: DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES

62. Application for disposal of industrial effluent

- (1) A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the municipality in terms of section 2(1).
- (2) The municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- (3) The provisions of Chapter 1 will *mutatis mutandis* apply to any permission to discharge industrial effluent.
- (4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of sub-section (1).

63. Unauthorised discharge of industrial effluent

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality and in accordance the provisions of this part.

- (2) A person to whom such permission is granted shall pay to the municipality any prescribed charges.

64. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted in terms of section 62 must ensure that no industrial effluent is discharged into the sewage disposal system of the municipality unless it complies with the standards and criteria set out in Schedule A hereto.

- (2) The municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.

- (3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality will consider

- (a) whether the applicant's undertaking is operated and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the municipality;
- (d) the cost to the municipality of granting the relaxation or variation; and
- (e) the environmental impact or potential impact of such a relaxation or variation.

- (4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid

down in a written permission.

65. Conditions for disposal of industrial effluent

(1) The municipality may in the written permission or at any time, by written notice, require a

person to -

- (a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
- (b) install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
- (c) install for the conveyance of his or her industrial 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 person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
- (d) construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
- (e) provide all such information as may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
- (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-law;
- (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 that person at such

- intervals as required by the municipality and copies of the calibration to be forwarded to it; and
- (h) cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the municipality and provide it with the results of these tests when completed.
- (2) The cost of any treatment, plant, works or analysis which the person mentioned in sub-section (1) may be required to carry out, construct or install in terms of sub-section (1) shall be borne by the said person;
- (3) The written permission of the municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- (4) In the event that industrial effluent that does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

66. Withdrawal of written permission for disposal of industrial effluent

- (1) The municipality may withdraw any permission, after giving written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system if
- the person -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-law or the written permission;
- (b) 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 in terms of any permission granted to him or her; or

- (c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The municipality may on withdrawal of any written permission -
 - (a) in addition to any steps prescribed in these by-law, and on written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality's tariff of charges; and
 - (b) refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this by-law.

PART F: MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE DISPOSAL SYSTEM

67. Measurement of quantity of standard domestic effluent discharged

- (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

68. Measurement of quantity of industrial effluent discharged

(1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined -

- (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
- (b) until such time as a measuring device is installed by a percentage of the water supplied by the municipality to that premises.

(2) Where a premises is supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity of standard industrial effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

(3) Where a portion of the water supplied to the premises 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 municipality may on application reduce the assessed quantity of industrial effluent.

69. Reduction in the quantity determined in terms of Sections 67 and 68

(1) A person shall be entitled to a reduction in the quantity determined in terms of sections 67 and 68 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the municipality that the said water was not discharged into the sewage disposal system.

(2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.

(3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

(4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous consumption history being available the average water consumption will be determined by the municipality, after due consideration of all relevant information.

(5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of this by-law.

PART F: DRAINAGE INSTALLATIONS

70. Construction or installation of drainage installations

(1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.

(2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having-

- (i) a pit of 2 m³ capacity;
- (ii) lining as required;
- (iii) a slab designed to support the superimposed loading; and
- (iv) protection preventing children from falling into the pit;

(b) The ventilated improved pit latrine must conform with the following specifications -

- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place.
- (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;

- (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (v) must be sited in a position that is independent of the residential structure;
- (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
- (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- (ix) the latrine must have access to water for washing hands.

71. Drains in streets or public places

No person shall for the purpose of conveying sewage derived from whatever source, lay or 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 the municipality and subject to such conditions as it may impose.

72. Construction by municipality

The municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this by-law or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction.

73. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) A municipality 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 thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

74. Installation of pre-treatment facility

A municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

75. Protection from ingress of floodwaters

Where a premises is situated in the 1 in 50 years flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

PART H: QUALITY STANDARDS

SCHEDULE A: Acceptance of industrial effluent for discharge into the sewage disposal system

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

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 a sewage works of greater than 25 M/d capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

| GENERAL QUALITY LIMITS | LARGE WORKS > 25 M/d | SMALL WORKS < 25 M/d | UNITS |
|--|-------------------------|-------------------------|--------------------|
| 1. Temperature (C) | < 44 C | < 44 C | Degrees Celcius |
| 2. pH | 6 < pH < 10 | 6,5 < pH < 10 | pH units |
| 3. Oils, greases, waxes of mineral origin | 50 | 50 | mg/ |
| 4. Vegetable oils, greases, waxes | 250 | 250 | mg/ |
| 5. Total sugar and starch (as glucose) | 1 000 | 500 | mg/ |
| 6. Sulphates in solution (as $SO_4^{=}$) | 250 | 250 | mg/ |
| 7. Sulphides, hydrosulphides (as $S^{=}$) and polysulphides | 1 | 1 | mg/ |
| 8. Chlorides (as Cl^{-}) | 1 000 | 500 | mg/ |
| 9. Fluoride (as F^{-}) | 5 | 5 | mg/ |

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| | | | | |
|---------------------------|--------------------------------|-------------------------|-------------------------|-------|
| 10. | Phenols (as phenol) | 10 | 5 | mg/ |
| 11. | Cyanides (as CN ⁻) | 20 | 10 | mg/ |
| 12. | Settleable solids | Charge | Charge | m / |
| 13. | Suspended solids | 2 000 | 1 000 | mg/ |
| 14. | Total dissolved solids | 1 000 | 500 | mg/ |
| 15. | Electrical conductivity | - | 400 | MS/m |
| 16. | Anionic surfactants | - | 500 | mg/ |
| 17. | C.O.D. | Charge | Charge | mg/ |
| GENERAL QUALITY LIMITS | | LARGE WORKS > 25 M/d | SMALL WORKS < 25 M/d | UNITS |
| <u>Heavy Metal Limits</u> | | | | |
| 18. | Copper (as Cu) | 50 | 5 | mg/ |
| 19. | Nickel (Ni) | 50 | 5 | mg/ |
| 20. | Zinc (Zn) | 50 | 5 | mg/ |
| 21. | Iron (Fe) | 50 | 5 | mg/ |
| 22. | Boron (B) | 50 | 5 | mg/ |
| 23. | Selenium (Se) | 50 | 5 | mg/ |
| 24. | Manganese (Mn) | 50 | 5 | mg/ |
| 25. | Lead (Pb) | 20 | 5 | mg/ |
| 26. | Cadmium (Cd) | 20 | 5 | mg/ |
| 27. | Mercury (Hg) | 1 | 1 | mg/ |
| 28. | Total Chrome (Cr) | 20 | 5 | mg/ |
| 29. | Arsenic (As) | 20 | 5 | mg/ |
| 30. | Titanium (Ti) | 20 | 5 | mg/ |
| 31. | Cobalt (Co) | 20 | 5 | mg/ |
| TOTAL METALS | | 100 | 20 | mg/ |

Special limitations

- 1 No calcium carbide, radio active waste or isotopes
- 2 No yeast and yeast wastes, molasses spent or unspent

- 3 No cyanides or related compounds capable of liberating HCN gas or cyanogen
- 4 No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C

12. REFUSE REMOVAL BY-LAW

1. Purpose of By-Law

- To promote the achievement of a safe and healthy environment for the benefit of the residents
in the area of jurisdiction of the municipality;
- To provide for procedures, methods and practices to regulate the dumping of refuse and the
removal thereof.

2. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, unless the context otherwise indicates: -

"Bin-Liner" means a plastic bag, as prescribed by the municipality, which shall be placed inside the container;

"Builder's Refuse" means any waste or refuse resulting from or generated by the construction, renovation or demolition of a building or other structure or works;

"Bulky Refuse" means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

"Charge" means the charge prescribed by the municipality by special resolution;

"Container" means a standard type of refuse container as approved by the municipality.

"Domestic Refuse" means any refuse or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house,

restaurant, guest house, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder's or trade refuse;

"Garden Refuse" means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

"Industrial Refuse" means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

"Municipality" means the Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, Provincial Notice 487 dated 22 September 2000 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;

"Municipal Service" means, unless otherwise stated, the provision or supply of water-, sewerage or electricity services;

"Occupier" for the purposes hereof means the person who controls and resides on or who controls and otherwise uses immovable property;

"Owner" means and includes:

- (a) the person or persons with whom the legal proprietary of any fixed property is vested;

- (b) the person administering an estate as curator, executor, proxy, trustee or administrator of a person with whom the legal title is vested and who is insolvent or dead or of his mind;
- (c) the agent or persons receiving the rental of a property in cases where the owner as described above is away;
- (d) the usufruct of fixed property, or
- (e) the fiduciaries of fixed property;

"Trade Refuse" means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

3. Domestic refuse removal

Thabazimbi Municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.

4. Use of service compulsory

Every occupier of a property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.

5. Municipality to remove refuse

No person other than the municipality or person authorised thereto by the municipality shall remove domestic refuse from any property or dispose of it.

6. Accumulation and removal of domestic refuse

- (1) Subject to the provisions of subsection (6) hereunder the municipality may require from
every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of

domestic refuse.

- (2) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier or occupiers thereof to provide as many containers as it may determine on such property.
- (3) If a container used by an occupier does not comply with the requirements the municipality, it may instruct such occupier to obtain and use some other suitable container.
- (4) The municipality may, where it considers it necessary or desirable, of its own accord supply containers to particular classes of occupiers, or on particular classes of properties, or in particular areas, in which event the cost of such container shall be recovered from the owners of the properties.
- (5) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- (6) The municipality may, generally or in particular, issue instructions to occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed there from, be tied and thereafter be placed for removal, and any disregard of such instructions shall be considered to be a contravention in terms of this by-law.
- (7) No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers too difficult for the municipality's employees to handle or carry, shall be placed in such bin liners or containers.
- (8) The containers or bin liners, or both, shall be removed by the municipality at such intervals as the municipality may deem necessary, only if such containers or

bin liners, or both, have been put at the prescribed places as provided by the municipality.

- (9) The municipality shall not be liable for the loss of or for any damage to a container or bin liner.
- (10) In any case where the occupier of a property is not also the owner, the municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of this by-law.
- (11) The municipality may, in specific cases, impose different directions, other than the use of an 85 litre container.
- (12) The municipality may lay down policy with regard to the reclamation of refuse in which case directions may be issued in terms of which certain types of refuse shall be separated and disposed of.

7. Accumulation of domestic refuse

The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container, as determined by section 5, and in no other manner.

8. Littering

No person shall -

- (1) throw, drop, deposit or spill any refuse into or onto a public place, street, vacant stand,
vacant erf, stream or water-course, or
- (2) sweep any refuse into a gutter on a public place or into any public street.

9. Pavements

It shall be the duty of every owner or occupier of a shop or trade premises to ensure

that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or the supply or sale of goods to the public by the occupier of such shop or premises.

10. Garden refuse

- (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the municipality may in its discretion and on application from the owner or occupier of property remove garden refuse therefrom at the cost of the owner or occupier in which case the municipality may impose certain rules.
- (2) No garden refuse may be dumped, kept or stored on any sidewalk or vacant ground.

11. Removal of bulky and industrial refuse

- (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises in which bulky or industrial refuse is generated, shall ensure that such refuse is disposed of in terms of this by-law within a reasonable period after the generation thereof.
- (2) Bulky and industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site.

- (3) The municipality does not accept any responsibility for the removal of bulky or industrial refuse.

12. Builder's refuse

Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property. If there is any undue delay in the removal of such refuse after the completion of the works involved, the municipality may direct, by written notice to such owner, that the refuse be removed within a specified time to an approved disposal site.

13. Trade refuse

The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the municipality at a charge fixed by the municipality.

14. Disposal sites for domestic, garden and builder's refuse

- (1) The municipality periodically sets aside and maintains a place or places where domestic, garden and builder's refuse shall be dumped. Any person dumping domestic, garden and builder's refuse in any other place shall be guilty of an offence.
- (2) The municipality may, from time to time, determine tariffs for the dumping of certain types of refuse.

15. Ownership of refuse

All refuse removed by the municipality and all refuse on disposal sites controlled by the municipality shall be the property of the municipality, and no person who is not duly authorised by the municipality to do so shall remove or interfere with such refuse.

16. Abandoned objects

Anything other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 (Act 93 of 1996), which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition thereof, reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality as it may deem fit.

17. Liability

(1) Where anything has been removed and disposed of by the municipality in terms of section 15, the person responsible shall be liable to pay the municipality the charge fixed by it for such removal, disposal or custody.

(2) For the purposes of subsection (1), the person responsible shall be:

- (a) the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed, unless he can prove that he was not concerned in and did not know of its being put in such place, or
- (b) any person by whom the object was put in the place aforesaid, or
- (c) any person who knowingly permitted the object to be put in the said place.

18. Charges and deposit

The charges payable to the municipality for the establishment, provision and maintenance of a refuse removal service and the amount a person making use of such service shall deposit with the municipality shall be determined by the municipality.

19. Penalty

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

- (1) a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

13. DRAINAGE BY-LAW**1. Definitions**

In this by-law, unless the context otherwise indicates -

| | |
|------------------------------------|---|
| "1-in-50-years flood level" | means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years; |
| "adequate" or "effective" | means (a) adequate or effective in the opinion of the Municipality; or (b) in relation to any document issued by the Council. |
| "anti-siphonage pipe" | means any pipe or portion of a pipe provided for the protection, by ventilation, of the water seal of a trap against unsealing by siphonage or back pressure; |
| "approved" | means approved by the Municipality in writing; |
| "authorised agent" | means any person or contractor officially authorised by the Municipality to act as the Municipality's agent; |
| "building regulations" | means the National Building Regulations and other standards or regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977); |
| "cleaning eye" | means any access opening to the interior of a discharge pipe or trap which is provided for the purposes of internal cleaning and which remains permanently accessible after completion of the drainage installation; |
| "connection" | means the point where a drain is connected to the sewer connection; |
| "conservancy tank" | means a covered tank which is used for the reception and temporary retention of sewage |
| "domestic effluent" | means effluent of prescribed domestic strength characteristics in respect of chemical oxygen demand and settleable solids, being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but does not include industrial effluent; |

| | |
|--------------------------------|--|
| "drain" | means that part of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, of which ownership 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 the sewer connection or to a common drain or a conservancy tank or septic tank which is situated on the premises; |
| "drainage installation" | means an installation of which ownership is vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting, or a combination of such drain, pipe, stack, fitting and appliance, for the collection and conveyance of sewage; |
| "drainage work" | means any construction or reconstruction of, or any alteration or addition to, or any work done in connection with a drainage installation, but does not include any work undertaken solely for purposes of repair or maintenance; |
| "effluent" | means any liquid, whether or not containing matter in solution or suspension; |
| "Engineer" | means the professional engineer appointed by the Municipality to perform or exercise the functions, powers and duties in terms of these by-law; |
| "gully" | means a pipe fitting incorporating a trap into which waste water is discharged; |
| "industrial effluent" | means effluent emanating from the industrial use of water, including, for purposes of these by-law, any effluent other than domestic effluent or stormwater; |
| "JASWIC" | means the Joint Acceptance Scheme for Water-Services Installation Components, which approves a list of water and sanitation installations, which list is obtainable from the Municipality; |
| "manhole" | means any access chamber to the interior of a sewer provided for the purpose of maintenance and internal cleaning; |
| "Municipality" | means the Thabazimbi Municipality, as established by General Notice 6770 in Provincial Gazette Extraordinary 141 of 1 October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 |

of 1998), and as provided for by section 155(1)(a) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), and includes any official or authorised agent to whom the Council of the Municipality has delegated the powers, functions and duties in terms of these by-law;

"owner"

means -

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) a person who receives the rent or profit of premises from a tenant or occupier of the premises, or who would receive such rent or profit if the premises were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (c) where the person in whom the legal title to the 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;
- (d) in the case of premises for which a lease agreement of 30 years or more has been entered into, the lessee of
- (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), 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 the sectional title deed, and includes the law-fully appointed agent of such a person;

"piece of land"

means -

- (a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such an erf, stand, lot, plot or area; or
- (b) a defined portion, not intended as a public place, or 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;

"plumber" means a person who has passed a qualifying trade test in plumbing or has been issued with a certificate of proficiency for plumbing in terms of the Manpower Training Act, 1981 (Act 56 of 1981) as amended, or holds such other qualification as may be required under the South African Qualifications Authority Act, 1995 (Act 58 of 1995);

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

(a) a general plan or diagram registered in terms of the Land Survey Act, 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

"professional engineer" means a person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000), as a professional engineer;

"purified sewerage effluent" means the water discharged from a water purification works after purification, either into a water course or for the purposes of re-use.

"sanitary fitting" or

"sanitary appliance"

"sanitation services" has the meaning assigned to it in the Act and includes, for purposes of these by-law, water for industrial purposes and disposal of industrial effluent;

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

"sewage" means soil water, waste water, industrial effluent and other liquid waste, whether separately or together, but does not include stormwater;

| | |
|-------------------------|---|
| "sewer" | means any pipe with fittings, of which ownership is vested in the Municipality, and which is designed and used or intended to be used for the conveyance of sewage, but does not include a drain; |
| "sewer connection" | means that part of a sewer system which is vested in the Municipality and which connects a drain to a sewer; |
| "soil water" | means any liquid containing human or animal excreta; |
| "soil-water fitting" | means any fitting used for the reception and discharge of soil water; |
| "soil-water pipe" | means any pipe, other than a drain, used for the conveyance of soil water with or without waste water; |
| "stack" | means the main vertical component of a drainage installation or any part of the installation other than a ventilation pipe; |
| "stormwater" | means any liquid resulting from natural precipitation or accumulation and includes rainwater, spring water and groundwater; |
| "tariff" | means the tariff of charges in respect of the municipality sewer service |
| "the Act" | means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time; |
| "trap" | means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position; |
| "ventilation pipe" | means any pipe or portion of a pipe not conveying any liquid, which pipe or portion of a pipe leads to the open air at its highest point and is used to ventilate a drainage installation in order to prevent the destruction of water seals; |
| "waste water" | means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater; |
| "waste-water fitting" | means any fitting used for the reception and discharge of waste water; |
| "waste-water pipe" | means any pipe, other than a drain, used for the conveyance of waste water only; |
| "waste-water treatment" | means any water works for the purification, treatment and/or disposal of effluent; |

plant"

"Water Act" means the National Water Act, 1998 (Act 36 of 1998), as amended from time to time; and

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

2. Standard of sanitation service

Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

3. Scope of by-law

- (1) These by-law apply to every sewer installation and drainage installation, and in particular to the operation and maintenance of such an installation in any new building or existing building, with or without any alterations or additions to an existing sewer installation or drainage installation, whether or not required by the Municipality.
- (2) Any sewer installation and drainage installation may at any time after its completion and commissioning be subjected to such inspection, approval, tests and control as the Municipality may deem fit or require.

4 Notices

- (1) Every notice, order or other document issued or served by the Municipality in terms of these by-law is valid if signed by an official of the Municipality who is duly authorised to do so.
- (2) Any notice, order or other document issued or served in terms of these by-law on any person shall be served in the following manner:

- (a) The notice, order or other document, or a true copy of the notice, order or document, shall be delivered personally to the person to whom it is addressed or shall 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 of the notice, order or document, shall be posted to the person to whom it is addressed at his or her last-known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of these by-law, the premises to which the notice, order or document relates will 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.

5. Application for water services

- (1) No person is entitled to access to water services unless
 - (a) an application has been made to the Municipality on the form prescribed in terms of the Municipality's by-law relating to credit control and debt collection; and
 - (b) the application has been approved by the Municipality.
- (2) Sanitation services rendered by the Municipality are subject to these by-law and the conditions contained in the relevant agreement.

TYPES OF SANITATION SERVICES

6. On-site sanitation services and associated services

Application

- (1) If an agreement for on-site sanitation services and associated services in accordance with subsection 6(2) exists and no municipal infrastructure in connection with the services exists for premises, the owner must immediately, with the approval of the Municipality and at his or her cost, install appropriate

on-site sanitation services in accordance with the specifications of the Municipality.

- (2) The Municipality may specify the type of on-site sanitation services to be installed.

7. Septic tanks and treatment plants

- (1) No person may construct, install, maintain or operate a septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Municipality. Such consent is granted without prejudice to any of the provisions of these by-law or any other relevant laws or by-law.
- (2) The removal and handling of any sewage sludge must be in accordance with the relevant health laws and by-law.

8. French drains

The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of waste water or other effluent by means of French drains, soakage pits or other approved works.

9. Ventilated improved pit latrines

The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine constructed and maintained in accordance with the specifications of the Municipality and located in a position indicated by the Municipality.

10. Conservancy tanks

- (1) The Engineer may, at his/her discretion, permit the owner of premises to construct a conservancy tank and ancillary appliances for the retention of soil water or such other sewage or effluent as the Engineer may decide, and the tank and appliances must be of such capacity and be located at such level as the Engineer may prescribe.
- (2) No rainwater or storm water and no effluent other than that which the Municipality has permitted in terms of subsection (1) may be discharged into a conservancy tank.
- (3) The Municipality may, at its discretion, having regard to the position of a conservancy tank or to the point of connection for a removal vehicle, make it a condition for the emptying of the tank that the owner or user of the tank indemnifies the Municipality in writing against any sum which the municipality may become liable to pay to any person as a direct or indirect result of the rendering of the service in respect of the tank.
- (4) The Municipality is entitled to empty or to draw off part of the contents of a conservancy tank at any reasonable time on any day of the week and in such manner as it may decide, having regard to the general requirements of the service in respect of the tank and in particular to the necessity for avoiding separate or unnecessary journeys by the Municipality's removal vehicle or anyone else's removal vehicle.
- (5) Where the Municipality's removal vehicle or anyone else's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner of the premises on which the conservancy tank is installed must -
 - (a) provide a roadway for such purpose of a width of at least 3,5 m, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather; and
 - (b) ensure that no gateway through which the vehicle is required to pass to reach the tank is less than 3,5 m wide.

- (6) The owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good working order and condition to the satisfaction of the Engineer.

11. Sewage delivered by road haulage

(1) Acceptance of sewage delivered by road haulage

The Engineer may, at his or her discretion and subject to the conditions that he or she may specify, accept sewage for disposal which is delivered by road haulage to a waste-water treatment plant of the Municipality or another site approved by the Engineer.

(2) Written permission for delivery of sewage by road haulage

- (a) No person may discharge into a waste-water treatment plant of the Municipality or another approved site sewage delivered by road haulage, except with the written permission of the Engineer and subject to the period and the conditions that may be imposed in the written permission.
- (b) The charges for any sewage delivered for disposal to the Municipality's wastewater treatment plants or to approved sites shall be assessed by the Municipality in accordance with the prescribed tariffs.

(3) Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage to a waste-water treatment plant of the Municipality or to an approved site for disposal -

- (a) the time and place of delivery must be arranged with the Engineer; and
- (b) the nature and composition of the sewage must be established to the satisfaction of the Engineer prior to the discharge of the sewage, and no person may deliver sewage that does not comply with the standards laid down in terms of these by-law.

(4) Withdrawal of permission for delivery of sewage by road haulage

The Engineer may withdraw any permission contemplated in section 12(1) after giving the person to whom permission is granted at least 14 days' written notice of the Municipality's intention to withdraw the permission if that person.

- (a) fails to ensure that the sewage delivered conforms to the standards prescribed in Appendix A to these by-law or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-law, contravenes any provisions of these by-law, or fails or refuses to comply with any condition imposed on him or her in any permission granted to him or her.

12. Connection to municipal sewer system**(1) Connection to sewer**

- (a) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain, at the owner's own expense, through an adjoining piece of land on submission of proof of registration of the appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- (b) As soon as the Municipality has provided a sewer connection, the owner must connect the drain to the sewer at his or her own expense.
- (c) Any alternative or additional sewer connection required by the owner is subject to the approval of the Engineer and must be effected at the owner's expense in accordance with the standards and specifications of the Engineer.
- (d) Except as may be otherwise authorised by the Municipality in writing, no person other than a plumber or an official duly authorised by the

Engineer to do so may install a sewer connection to a sewer. Any such sewer connection must be installed in accordance with the specifications of the Engineer.

- (e) No person may permit any substance whatsoever, other than clean water for testing purposes, to enter a drainage installation before the drainage installation has been connected to the sewer.
- (f) The Engineer may authorise and approve, at his or her sole discretion, the conveyance of sewage from two premises or more by means of a common drain to the sewer connection.
- (g) After the completion of every drainage installation and after the completion of any alteration to a drainage installation, the plumber responsible for the execution of the work must submit to the building inspection section of the Municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these by-law and any other relevant law or by-law.

13. Disconnection of drainage installations and conservancy or septic tanks

- (1) If an existing on-site sanitation system is no longer required for the storage or treatment of sewage, or if permission for the storage or treatment is withdrawn, the owner must cause the system to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Engineer may require a tank to be otherwise dealt with or may permit the tank to be used for some other purpose, subject to the conditions the Engineer may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the building regulations in regard to disconnection have been complied with and, at the request of the owner, the Engineer shall issue a certificate to the effect that -

- (a) the disconnection has been completed in terms of the building regulations; and
- (b) any charges levied in respect of the disconnected portion of the drainage installation will cease to be levied with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Engineer any such charges shall continue to be levied.
- (3) When a drainage installation is disconnected from a sewer, the Engineer shall seal the opening made and shall recover from the owner the cost of the work in terms of section 42.
- (4) Any person who without the permission of the Municipality breaks or removes or causes or permits the breakage or removal of a seal installed in terms of subsection (3) is guilty of an offence under these by-law.
- (5) Where a drainage system is connected to or disconnected from the sewer system during the month, the charge, excluding the fixed charge of every erf, stand, premises or other area, which has or has no improvements or which can be connected to a sewer in the opinion of the Municipality, shall be calculated as if the connection had been made on the first day of the month following the month in which the connection or disconnection was effected.

14. Materials to be used in sanitation to be authorised

- (1) No person may, without the prior written authority of the Municipality, install or use a pipe or fitting in a drainage or sewer installation within the Municipality's area of jurisdiction, unless the pipe or fitting is included in the schedule of approved sanitation pipes and fittings that is compiled by the Municipality.
- (2) Application for the inclusion of a pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Municipality.

- (3) A pipe or fitting may be included in the schedule referred to in subsection (1) if -
 - (a) the pipe or fitting bears the standardisation mark of the SABS in respect of the relevant SABS specification issued by the SABS; or
 - (b) the pipe or fitting bears a certification mark issued by the SABS to certify that the pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are issued for a period exceeding two years; or
 - (c) the pipe or fitting has been issued with a JASWIC acceptance certificate.
- (4) The Municipality may, in respect of any pipe or fitting included in the schedule referred to in subsection (1), impose such additional conditions as it may deem necessary in respect of the use or method of installation of the pipe or fitting.
- (5) A pipe or fitting shall be removed from the schedule referred to in subsection (1) if -
 - (a) the pipe or fitting no longer complies with the criteria upon which its inclusion in the schedule was based; or
 - (b) the pipe or fitting is no longer suitable for the purpose for which its use was accepted for inclusion in the schedule.
- (6) A current schedule as referred to in subsection (1) shall be available for inspection at the office of the Municipality at any time during the Municipality's working hours.
- (7) The Municipality may sell copies of the schedule referred to in subsection (1) at the prescribed charge.

15. Drainage work that does not satisfy the requirements

- (1) Where a drainage installation that has been constructed or drainage work that has been carried out fails to comply in any respect with any of the provisions of the building regulations or these by-law, the owner must, notwithstanding the fact that he or she may have received approval for the plans for the installation or work in terms of the

building regulations or previous by-law, carry out, on receiving written notice from the Municipality, the repairs, replacements, alterations or maintenance work in respect of the installation or work within the period specified in the notice.

- (2) When, in the opinion of the Municipality, a nuisance exists owing to the emission of gas from a trap or sanitary fitting or any other part of a drainage installation, the Municipality may require the owner, at his or her expense, to 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 wastewater fitting connected to the drainage installation 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 to carry out within the period specified in the notice the work necessary to abate and to prevent any recurrence of the entry, overflow or leakage of sewage.
- (4) Instead of serving the notice contemplated in subsection (1) or (3), or where such a notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right to also prosecute the person or body to whom the notice was directed because of an infringement of the building regulations or these by-law -

(a) proceed itself to carry out such alterations, removals or other work as it may deem necessary for compliance with the provisions of the building regulations or these by-law; and

(b) recover, in terms of section 42, the cost of the alterations, removals or other work from the owner by the ordinary process of law.

16. Prohibited construction and work

- (1) Any person who, without the prior consent in writing of the Municipality-
 - (a) erects or causes to be erected any building or other structure over a sewer or pipe vested in the Municipality or constructed under the authority of the Engineer;
 - (b) excavates, opens up or removes or causes to be excavated, opened up, or removed the ground under or near to such a sewer or pipe;
 - (c) makes or causes to be made any opening into such a sewer or pipe for the purpose of discharging sewage into the sewer or pipe or for another purpose; or
 - (d) damages or destroys or causes to be damaged or destroyed such a sewer or pipe or any works or things in connection with the sewer or pipe, is guilty of an offence.
- (2) Where an offence in terms of subsection (1) has been committed, the Municipality may alter, demolish or otherwise deal with the building or structure that has been erected, fill in and make good any damage caused, or close any opening in the sewer or pipe, as the Municipality may think fit, and the expenses incurred shall, together with a fine, be recovered from the offender in a competent court.

17. Maintenance

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

The owner of the premises must ensure that all sewer manholes on the premises are permanently visible and accessible.

18. Sewer blockages

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

- (2) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must take immediate steps to have the blockage cleared or removed.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Municipality of the blockage.
- (4) The Engineer is entitled at his or her discretion to clear or remove, whether or not at the request of the owner of the premises, a blockage from a drainage installation and to recover the cost of the clearing or removal from the owner in accordance with section 42.
- (5) Should the clearing or removal by the Municipality of any blockage in a sewer or drainage installation necessitate the removal or the 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.
- (6) The owner of any premises is responsible for ensuring that all cleaning eyes and manholes on the premises are at all times visible.
- (7) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and should the Engineer be reasonably satisfied that the 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 clearing or removing the blockage, and the Municipality may recover the cost from the owner in accordance with section 42.
- (8) Where a blockage has been cleared or removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the clearing or removal of the blockage is recoverable in equal proportions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

19. Interference with or damage to sewers, waste-water treatment plants, etc

Any damage caused to the Municipality's sewers or any part of its sewers or to the Municipality's waste-water treatment plants through, or in consequence of, non-

compliance with or contravention of any provision of the building regulations or these by-law shall be rectified or repaired by the Municipality at the expense of the person responsible for the non-compliance or contravention or for causing or permitting the non-compliance or contravention, and the cost of rectifying or repairing the damage shall be determined by the Engineer.

20. Entry onto premises

- (1) An officer authorised by the Municipality has the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation that the Municipality may deem necessary.
- (2) In respect of an officer entering on premises for the purposes of subsection (1), the owner or occupier of the premises is guilty of an offence under these by-law if he or she -
 - (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 the officer to be so obstructed;
 - (c) withholds information that is required by the officer to carry out the officer's 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.

21. Mechanical food-waste or other disposal units

- (1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 1 kW, except with the written permission of the Engineer and subject to the conditions that may be imposed in the written permission.
- (2) The Engineer 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 a unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Engineer, the unit or grinder is functioning inefficiently or is impairing the functioning of the Municipality's sewer system.
- (3) The owner or occupier referred to in subsection (2) must, upon removal of a unit or grinder, notify the Municipality within 14 days of the removal.
- (4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste or other disposal unit or garbage grinder referred to in subsection (1).

22. Grease traps

A grease trap of the approved type, size and capacity must be provided instead of a gully to take the discharge of waste water from every sink or other fitting in -

- (a) a building in respect of which the waste water is disposed of in French drains or other similar works; and
- (b) any place where, in the opinion of the Municipality, the discharge of grease, oil and fat is likely to cause an obstruction in the flow in the sewers or drains or to cause an interference with the proper operation of a waste-water treatment plant.

23. Industrial grease traps

- (1) Industrial effluent that contains or, in the opinion of the Municipality, is likely to contain grease, oil, fat or inorganic solid matter in suspension must, before the effluent is allowed to enter any sewer, be passed through one or more tanks or chambers of an approved type, size and capacity designed to intercept and retain the grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance that is contained in any industrial effluent or other liquid and that gives off an inflammable or noxious vapour at a temperature of or exceeding 20 °C must be intercepted and retained in a tank or chamber so as to prevent entry of the oil, grease or substance into the sewer.

- (3) A tank or chamber referred to in subsection (1) must comply with the following requirements:
- (a) The tank or chamber must be -
 - (i) of adequate capacity;
 - (ii) constructed of hard, durable materials; and
 - (iii) watertight when completed.
 - (b) The water seal of the discharge pipe of the tank or chamber must be not less than 300 mm in depth.
 - (c) The tank or chamber must be provided with such a number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.
- (4) A tank or chamber referred to in subsection (1) must be cleaned regularly to remove grease, oil, fat and solid matter, and the person discharging effluent into the tank or chamber must maintain a register in which the following must be recorded and appear:
- (a) The dates on which the tank or chamber was cleaned;
 - (b) the name of the company employed to clean the tank or chamber; and
 - (c) a certificate from the cleaning company certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of.

24. Mechanical appliances for lifting sewage

- (1) Every person must, before installing any mechanical appliance for the raising or transfer of sewage in terms of the building regulations, apply in writing to the Engineer for permission to install the appliance, and application must be made on the form included in the Municipality's specifications for the design of pump stations.
- (2) The form prescribed in subsection (1) must be completed by a professional engineer who is fully conversant with the mechanical details of the appliance, and the undertaking annexed to the form must be signed by the owner of the premises.

- (3) The application form referred to in subsection (1) must be accompanied by drawings prepared in accordance with the relevant provisions of the building regulations, and the drawings must show -
 - (a) details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position of the appliance, tank and chamber; and
 - (b) the position of the drains, ventilation pipes, rising main and the sewer connection.
- (4) Notwithstanding any permission given in terms of subsection (1), the Municipality is not liable for any injury or damage to life or property caused by the use or malfunctioning of an appliance or by any other condition arising from the installation or operation of the appliance, which appliance must be designed by a professional engineer who remains liable.
- (5) Every mechanical appliance installed for the raising or transfer of sewage must be specifically designed for that purpose and must be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (6) Unless otherwise permitted by the Engineer, two mechanical appliances for the raising or transfer of sewage must be installed, and each appliance must be controlled so that one will begin to function automatically and immediately in the event of the failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation must be located and operated in such a manner as not to cause any nuisance through noise or smell or otherwise, and every compartment containing such an appliance must be ventilated effectively.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place must be as prescribed by the Engineer who may, at any time, require the owner of the premises to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.
- (9) (a) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with the appliance.

- (b) Every sewage storage tank required in terms of paragraph (a) must meet the following requirements:
- (i) The sewage storage tank must be constructed of hard, durable materials and must be watertight, and the internal surfaces of the walls and floor of the tank must be rendered smooth and impermeable.
 - (ii) The sewage storage tank's storage capacity below the level of the inlet must be equal to the quantity of sewage that can be discharged into the tank within a period of 24 hours or 900 litres, whichever is the greater quantity.
 - (iii) The sewage storage tank must be designed so that the maximum proportion of its sewage content is emptied during each discharge cycle of the mechanical appliance.
- (10) If a mechanical appliance consists of a pump, the starting mechanism must be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one fifth of the tank's storage capacity.
- (11) When required by the Engineer, a stilling chamber must be installed between the outlet of the mechanical appliance and the connecting drain or sewer connection, as the case may be, and such a chamber must have a depth of not less than 1 500 mm.
- (12) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Engineer's specifications.

25. Swimming pools

No water from a swimming pool may, without the prior written permission of the Municipality, be discharged directly or indirectly over or into any road, gutter or stormwater drain of which ownership is vested in the Municipality. The backwash water from a swimming pool may be discharged into the drainage system on the premises on which the pool is situated.

26. Protection from ingress of flood waters

Where a development is situated in the 1-in-50-years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1-in-50-years flood level.

27. Stormwater not to enter sewers

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

28. Sewage or other pollutants not to enter stormwater drains

- (1) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such a 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 cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial, or to contribute to the pollution of such a watercourse, the Municipality may instruct the owner of the premises to take, at his or her cost, the measures, by way of the owner's alteration of the drainage installation or roofing of the area, it may consider necessary to prevent or minimize the discharge or pollution.

INDUSTRIAL EFFLUENT**29. Permission to discharge industrial effluent**

- (1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the written permission of the Municipality first being obtained, and then only in strict compliance with all of the conditions of the permission.

- (2) Every person must, before discharging any industrial effluent into a sewer, apply in writing to the Municipality for permission to discharge the effluent and must thereafter 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 any sewer, having regard to the capacity of the sewers, the mechanical appliance used for the conveyance of the sewage or the waste-water treatment plant, whether or not the plant is vested in the Municipality, subject to the conditions that the Municipality deems fit to impose, including the payment of any charge determined in terms of the tariff.
- (4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing anything or causing or permitting anything to be done that may result in a change in the quantity of the discharge or nature of the effluent, notify the Municipality in writing of the date on which the proposed change will take place 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 subsections (3) and (4) is guilty of an offence and liable -
 - (a) in addition to any penalties, to such charge as the Municipality may assess for the conveyance and treatment of the effluent so discharged; and
 - (b) for any damage caused as a result of the unauthorised discharge.
- (6) Without prejudice to its rights in terms of subsection (5) or section 35(2)(c), the Municipality is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance that is prohibited or restricted in terms of section 35 or that has been the subject of an order issued in terms of section 35(2) all costs, expenses or charges incurred or to be incurred by the Municipality as a result of any or all of the following:
 - (a) Injury to people or damage to the sewer, to any waste-water treatment

plant or mechanical appliance or to any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of any waste-water treatment plant or mechanical appliance, whether under the control of the Municipality or not; or

- (b) a prosecution in terms of the Water Act, or any action against the Municipality consequent on a partial or complete breakdown of any waste-water treatment plant or mechanical appliance caused directly or indirectly by the discharge, including fines and damages which may be imposed or awarded against the Municipality.
- (7) (a) Owing to a change in circumstances arising from a change in the method of sewage treatment or the introduction of new, revised, stricter or other standards by the Municipality or in terms of the Water Act, or as a result of any amendment to these by-law or for any other reason, the Municipality may from time to time or at any time -
- (i) review, amend, modify or revoke any permission given or any conditions attached to such a permission;
 - (ii) impose new conditions for the acceptance of industrial effluent into the sewer; and
 - (iii) prohibit the discharge of any or all of the industrial effluent into the sewer.
- (b) The Municipality shall give adequate written notice in advance of its intention in terms of paragraph (a) to review, amend, modify or revoke the permission or conditions, to impose new conditions or to prohibit the discharge, provided that on the expiration of the period of such notice the previous permission or conditions, as the case may be, fall away and the new or amended conditions, if any, apply immediately.

30. Control of industrial effluent

- (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other

- appropriate means to effectively prevent the accidental discharge into a sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-law.
- (2) If the owner or occupier of any premises on which industrial effluent originated intends treating the effluent before discharging it, he or she must obtain the prior written permission of the Engineer.
- (3) The Municipality may, by notice served on the owner or occupier of premises from which industrial effluent is discharged, require the owner or occupier to, without prejudice to any other provision of these by-law, do all or any of the following:
- (a) The owner or occupier must subject the effluent, before it is discharged into the sewer, to such pre-treatment as will ensure that the effluent at no time fails to conform in all respects with the requirements of section 35(1), or the owner or occupier must modify the effluent cycle of the industrial process to an extent and in a manner which, in the opinion of the Municipality, is necessary to enable the waste-water treatment plant receiving the effluent, whether the plant is under the control of the Municipality or not, to produce treated effluent that complies with any standards which may be laid down in respect of waste water treatment plants in terms of the Water Act.
 - (b) The owner or occupier must restrict the discharge of effluent to certain specified hours and restrict the rate of discharge to a specified maximum and must 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.
 - (c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the effluent into the sewer through a separate connection as directed by the Municipality, and the owner or occupier must refrain from discharging the industrial effluent through any drainage installation intended or used for the

conveyance of domestic sewage or from 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 terms of 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 of the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Engineer may adopt an alternative method of assessment that reflects the said value, and the Engineer shall accordingly determine the charge payable in terms of the tariff.
- (f) The owner or occupier must provide all information that may be required by the Engineer to enable the Engineer to determine 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 measuring the total quantity of water which is drawn from any borehole, spring or other natural source of water, excluding that of the Municipality, and which is used on the property and discharged as industrial effluent into the sewer.

31. Prohibited discharges

- (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -
 - (a) in the opinion of the Engineer, may be offensive to or may 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 where it enters the sewer;
 - I 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 any 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 detergents, that is capable of causing interference with the proper operation of a waste-water treatment plant and the Municipality's sewer system;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains a substance in such concentration as is likely in the final, treated effluent from a waste-water treatment plant to produce an undesirable taste after sterilisation or an undesirable odour or colour, or excessive foam;
- (i) exceeds any of the limits or concentrations of substances given in Appendix A to these by-law, provided that the Municipality may approve greater limits or concentrations for such period or on such conditions as it may specify after consideration of the effect of dilution in the sewer and of the effect of such industrial effluent or other liquid or substance on the sewer or on any sewage treatment process if the Municipality is satisfied that in the circumstances the discharge of the industrial effluent or other liquid or substance will not -
 - (i) harm or damage any sewer, mechanical appliance, waste-water treatment plant or equipment;
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified effluent is discharged, or any land or crops irrigated with the purified effluent; and
- (j) contains any substance whatsoever, which, in the opinion of the Engineer -
 - (i) is not amenable to treatment at a waste-water treatment plant and which causes or may cause a breakdown or inhibition of the normal

sewage treatment processes;

- (ii) is or may be amenable to treatment only to such degree as to prevent the final, treated effluent from the waste-water treatment plant from satisfactorily complying in all respects with any requirements imposed in terms of the Water Act; or whether listed in the relevant appendix to these by-law or not, either alone or in combination with other matter may -
 - (aa) generate or constitute a toxic substance detrimental to the health of persons who are employed at the waste-water treatment plant or who enter the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, waste-water treatment plants or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.

- (2) (a) Any person who receives from an official duly authorized thereto by the Municipality a written order instructing him or her to stop discharging into the sewer any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.
- (c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is in the opinion of the Engineer likely to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any waste-water treatment plant, the Municipality may, after further written notice, refuse to permit the discharge of the industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-law. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop the discharge and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

CHARGES FOR ALL SERVICES

32. Prescribed tariffs and charges for sanitation services

- (1) All charges payable in respect of sanitation services, including but not restricted to connection charges, fixed charges or any additional charges or interest, shall be set by the Municipality from time to time in accordance with -
- (a) its rates and tariff policy;
 - (b) any relevant by-law; and
 - (c) any regulations under national or provincial legislation.

- (2) Charges may differ for the different categories of customers and users of services and according to the types and levels of services, the quantity of services, the infrastructure requirements and the geographic areas.
- (3) The Municipality may, in addition to the tariffs or charges determined for sanitation services actually provided, levy a monthly fixed charge, an annual fixed charge or a once-off fixed charge where sanitation services are available, whether or not such services are consumed.

33. Payment for sanitation services

The owner or occupier of any premises with whom an agreement for water services has been entered into in terms of section 5 is liable for payment of all sanitation charges in accordance with the Municipality's by-law relating to credit control and debt collection.

34. Charges in respect of services associated with on-site sanitation services

The operation and maintenance of on-site sanitation systems and all costs pertaining to such operation and maintenance remain the responsibility and liability of the owner of the premises. The Municipality will not, under normal circumstances, render such operation and maintenance services. Should the Municipality, however, approve its rendering of such services -

- (a) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit latrines cover all the operating and

maintenance costs for the removal of the pit contents, the transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues;

- (b) charges in respect of the removal or collection of conservancy tank contents and night soil or the emptying of ventilated improved pit

latrines are based on the volume removed by vacuum tank or otherwise;
and

- (c) the Municipality may charge a prescribed fixed charge if the volume of the conservancy tank contents or night soil or the contents of the ventilated improved pit latrines cannot be quantified.

35. Measurement of quantity of domestic effluent discharged

- (1) The quantity of domestic effluent discharged shall be determined by a percentage of the water supplied by the Municipality, provided that where the Engineer is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which the water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.
- (2) Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of domestic effluent discharged shall be determined as a percentage of the total water used on the premises as may be reasonably estimated by the Municipality.

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

- (1) The quantity of industrial effluent discharged into the sewage disposal system shall -
 - (a) where a measuring device is installed, be determined by the quantity of industrial effluent discharged from the premises as measured by means of that measuring device; or
 - (b) until such time as a measuring device is installed, be determined by a percentage of the water supplied by the Municipality to that premises.

- (2) (a) The Municipality may require the owner or occupier of any premises to incorporate, in such a position as the Municipality may determine, in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the Municipality for the purpose of ascertaining to the satisfaction of the Municipality the tempo, volume and/or composition of the industrial effluent.
- (b) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any meter, gauge or other device referred to in paragraph (a), provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity and tempo of effluent discharged.
- (3) The Municipality is entitled to install and maintain a meter, gauge or q device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.
- (4) Where premises are supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity of industrial effluent discharged shall be determined as a percentage of the total water used on the premises as may be reasonably estimated by the Municipality.
- (5) The owner of any premises on which there is situated a borehole used for a water supply for trade or industrial purposes must -
- (a) register the borehole with the Municipality;
 - (b) provide the Municipality with full particulars of the discharge capacity of the borehole; and
 - (c) if the Municipality has reason to doubt the reliability of the particulars given, carry out at the expense of the owner or occupier, such tests on the discharge capacity of the borehole as may, in the opinion of the Municipality, be necessary for the purposes of these by-law.

- (6) Where a portion of the water supplied to the premises forms part of the end product of a manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may on application reduce the assessed quantity of industrial effluent.
- (7) In respect of any premises from which industrial effluent is discharged, the following conditions are applicable in connection with and to the calculation of charges payable to the Municipality for the treatment of industrial effluent:
- (a) In respect of the application of the charges, wherever a person other than the owner occupies the property, the word "owner" refers to the owner of the property. The occupier of the property or, where charges are concerned, the owner and occupier, are jointly and severally liable for the charges, but the Municipality shall in the first instance levy the charge against the occupier. The owner remains liable for all actions on his or her property.
- (b) The owner of any premises from which industrial effluent is discharged must, in addition to any other charges provided for in these by-law or in any other law or by-law, pay to the Municipality a charge calculated in accordance with the provisions of these by-law in respect of each cycle during which the discharge takes place, which charge must be paid within 30 calendar days after the Municipality has rendered an account for the charge. Where the full amount of the charge is not paid to the Municipality within 30 calendar days, a surcharge equal to the outstanding balance is payable to the Municipality.
- (c) In respect of any premises from which industrial effluent is discharged, each owner or occupier must conduct the prescribed tests on the industrial effluent according to a regular schedule as provided for in the permission to discharge industrial effluent and must report the results of the tests to the Municipality.
- (d) The Municipality may conduct random compliance tests on the industrial effluent to correlate those of the industry. If discrepancies are found between the values of the industry and those of the Municipality,

the values of the Municipality shall be taken as correct after consultation with the industry involved. Further tests may be requested by the Municipality to determine the values for the industrial effluent discharge formula, which tests shall all be conducted at the cost of the industry.

(e) The average of the values of the different analysis results of tests done on 24-hourly composite or snap samples of industrial effluent, taken during the period of charge, shall be used to determine the treatment charges payable.

(f) In the absence of a complete daily set of 24-hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, shall be used to determine the industrial effluent charges payable.

(g) The total system values for the treatment charges shall remain constant initially for a period of one month but in any case for a period of not more than 12 months from the date of commencement of the charges. After expiry of the period values may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, provided that the Municipality may at its discretion in any particular case levy the minimum charges prescribed in paragraph (k) without taking any samples.

(h) When, in terms of paragraph (d), the Municipality takes a sample, one half of the sample shall be made available to the owner or occupier.

(i) For the purpose of calculating the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable after consultation between the Municipality and the owner or occupier of the premises.

(j) The costs of conveying and treating sewage and/or industrial effluent shall be determined by the Municipality and shall apply with effect from the date determined by the Municipality.

(k) At the discretion of the Municipality, the charges for industrial effluent may be changed to a fixed monthly charge. The Municipality shall

determine the minimum charge, taking into consideration the effluent strengths and the volume of the effluent.

(l) When an inspection of the premises conducted by the municipality reveals non-compliance with these by-law, the Municipality may give a written order for the rectification of the situation that is causing the non-compliance. The rectification must be executed diligently. If, at the time of a subsequent re-inspection, nothing has been done to rectify the situation, or no extension of time for the rectification has been requested from the Municipality in writing, an inspection fee shall be levied by the Municipality over and above the treatment charges or the disincentive charges. On receipt of an order on a third inspection the order may include a notice of cancellation of the permission to discharge industrial effluent and a date may be given for the connection to the Municipality's sewers to be sealed off.

38. Reduction in the quantity determined in terms of sections 39 and 40(1)(a)

- (1) A person is entitled to a reduction in the quantity determined in terms of sections 39 and 40(1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period when water was wasted or a leakage went undetected, provided that the person demonstrates to the satisfaction of the Municipality that the water was not discharged into the sewage disposal system.
- (2) For the purposes of this section, a reduction in the quantity is based on the quantity of water lost through leakage or wastage during the leakage period.
- (3) For the purposes of this section, the leakage period is either the period of measurement immediately prior to the date of the repair of the leak or the period of measurement during which the leak is repaired, whichever period results in the greater reduction in the quantity.
- (4) For the purposes of this section, the quantity of water lost is calculated as the consumption for the leakage period less the average consumption

for the same length of time, which average consumption shall be based on the preceding three months' consumption. In the event of no consumption history being available, the average water consumption shall be determined by the Municipality, after due consideration of all relevant information.

- (5) No reduction in the quantity shall be made in terms of subsection (1) if the loss of water resulted directly or indirectly from the consumer's failure to comply with these or other by-law or his or her contravention of these or other by-law.

39. Other work

Where any work other than that for which a fixed charge has been determined by the Municipality is done by the Municipality, the Municipality is entitled in terms of these by-law to recover the costs from the person in respect of whom the work was done, and a sum to be determined by the Municipality may be included in such costs to cover all expenditure reasonably incurred by the Municipality.

40. Offences and penalties

(1) Penalties

Subject to any provisions of the Water Act in which an offence is explicitly specified, any person contravening or failing to comply with any provisions of these by-law or any written conditions laid down in these by-law is guilty of an offence, and such a person is, for every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, deemed guilty of a separate offence and is on conviction liable to any or all of the following penalties:

- (a) A fine not exceeding R5 000;
- (b) a fine not exceeding R5 000 or, in default of payment, imprisonment for a period not exceeding 12 months; or
- (c) imprisonment for a period not exceeding 12 months.

(2) Indemnification from liability

Neither an employee of the Municipality nor any person, body, organisation or corporation acting on behalf of the Municipality is liable for any damages arising from any omissions or act done or committed in good faith and in the course of his or her duties, as the case may be.

Short title**Schedule 1**

Notice 8 of 1991 CONSOLIDATED BY-LAW SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977, AND THE REGULATIONS PROMULGATED THERE UNDER

Notice 1443 of 1978 STANDARD DRAINAGE BY-LAW

Notice 3822 of 1992 BUILDING AND SEWAGE BY-LAW; SECTION C, SEWERAGE

Appendix A**LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES**

(i)

| Parameter | Allowed specification |
|--|-----------------------|
| Permanganate value (PV) not exceeding | 1 400 ml/ℓ |
| pH within range of | 6,0 - 10,0 |
| Electrical conductivity not greater than | 300 mS/m at 20 °C |
| Caustic alkalinity (expressed as CaCO ₃) | 2 000 mg/ℓ |
| Substance not in solution (including fat, oil, grease, waxes and like substances) | 2 000 mg/ℓ |
| Substances soluble in petroleum ether | 500 mg/ℓ |
| Sulphides, hydrosulphides and polysulphides (expressed as S) | 50 mg/ℓ |
| Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN) | 20 mg/ℓ |

| | |
|--|------------|
| Formaldehyde (expressed as HCHO) | 50 mg/ℓ |
| Non-organic solids in suspension | 100 mg/ℓ |
| Chemical oxygen demand (COD) | 5 000 mg/ℓ |
| All sugars and/or starch (expressed as glucose) | 1 500 mg/ℓ |
| Available chlorine (expressed as Cl) | 100 mg/ℓ |
| Sulphates (expressed as SO ₄) | 1 800 mg/ℓ |
| Fluorine - containing compounds (expressed as F) | 5 mg/ℓ |
| Anionic surface active agents | 500 mg/ℓ |

(ii) METALS

Group 1:

| Metal | Expressed as |
|-----------|--------------|
| Manganese | Mn |
| Chromium | Cr |
| Copper | Cu |
| Nickel | Ni |
| Zinc | Zn |
| Iron | Fe |
| Silver | Ag |
| Cobalt | Co |
| Tungsten | W |
| Titanium | Ti |
| Cadmium | Cd |

The total collective concentration of all metals in Group 1 (expressed as indicated above) 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.

Group 2:

| Metal | Expressed as |
|----------|--------------|
| Lead | Pb |
| Selenium | Se |
| Mercury | Hg |

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of effluent may not exceed 10 mg/ℓ, nor may the concentration of any individual metal in any sample exceed 5 mg/ℓ.

(iii) OTHER ELEMENTS

| Element | Expressed as |
|---------|--------------|
| Arsenic | As |
| Boron | B |

The total collective concentration of all elements (expressed as indicated above) in any sample of effluent may not exceed 20 mg/ℓ.

(iv) RADIOACTIVE WASTE

Radioactive waste or isotopes: Such concentration as may be laid down by the South African Nuclear Energy Corporation or any State department.

Notwithstanding the requirements set out in this Appendix, the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sewers from any premises.

NOTE: The method of testing in order to ascertain the concentration of any substance referred to here shall be the test normally used by the Municipality for these purposes. Any person discharging any substance referred to in this Appendix shall obtain the details of the appropriate test from the Municipality.

Appendix B**FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO
THE MUNICIPALITY'S SEWER**

(Please complete the application in block capitals.)

I, _____ (name),
the undersigned, duly authorised to sign on behalf of

("the applicant"), hereby apply in terms of the Sanitation By-law of the
Municipality for permission to discharge industrial effluent into the
Municipality's sewer on the basis of the facts stated herein.

PART I**1. NATURE OF THE BUSINESS OR UNDERTAKING:**

**2. NAME OR STYLE UNDER WHICH THE BUSINESS OR UNDERTAKING IS
CONDUCTED:**

3. POSTAL ADDRESS OF THE BUSINESS OR UNDERTAKING:

4. PHYSICAL STREET ADDRESS OF THE BUSINESS OR UNDERTAKING:

ERF NO OR FARM PORTION: _____ TOWNSHIP OR FARM:

5. IF THE BUSINESS OR UNDERTAKING IS CONDUCTED BY A COMPANY OR CLOSED CORPORATION, STATE THE NAME OF THE SECRETARY AND, IF IT IS A PARTNERSHIP, STATE THE NAMES OF THE PARTNERS:

6. IS THIS A NEW OR ESTABLISHED BUSINESS OR UNDERTAKING: _____

7. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE PRODUCED:

8. INFORMATION RELATING TO EMPLOYEES:

Office

Factory

(1) Total number of daily employees (not included in (4))

(2) Number of shifts worked per day

(3) Number of days worked per week

(4) Number of persons resident on the premises

(5) Is a canteen provided? (Yes/No)

PART II

FACTS RELATING TO THE CONSUMPTION OF WATER

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

Meter No Meter No Meter No Total

Water purchased from the Municipality

Water from a borehole or other source

1

Water entering with raw materials

Section of plant served by meter

TOTAL A

2. WATER CONSUMPTION

(1) Industrial kℓ/month

(i) Quantity of water in product

(ii) Quantity of water lost by evaporation

(iii) Quantity of water used as boiler make-up

(iv) Quantity of water for other uses (cooling, gardens, etc)

TOTAL B _____

(2) Domestic use kℓ/month

(i) Total number of employees (Allow 1 kℓ per person per month)

(ii) Total number of employees permanently resident on the
premises, eg in hostels (Allow 3 kℓ per person
per month)

TOTAL C _____

3. EFFLUENT DISCHARGED INTO SEWER

(1) Metered volume (if known) kℓ/month

(2) Estimated unmetered volume (see below*) kℓ/month

(3) Estimated rate of discharge

(4) Period of maximum discharge (eg 07:00 to 08:00)

* If no effluent meter is installed on the premises, the estimated volume of

unmetered effluent discharged into the sewer is calculated as follows:

$$A - (B + C) = \dots\dots\dots \text{ k}\ell/\text{month}$$

PART III

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

Information required concerning the chemical and physical characteristics of the effluent to be discharged:

- (1) Maximum temperature of effluent (°C)
- (2) pH value (pH)
- (3) Nature and amount of settleable solids
- (4) Organic content (expressed as chemical oxygen demand)
- (5) Maximum total daily discharge (kℓ)
- (6) Maximum rate of discharge (kℓ/hr)
- (7) Periods of maximum discharge (eg 07:00 to 08:00)
- (8) If any of the substances specified in the table below or their salts are formed on the premises, place a cross in the space in which the substance is written and, if possible, state the average concentration of this substance that is likely to be present in any effluent.

| ELEMENTS | COMPOUNDS | OTHER SUBSTANCES |
|----------------|----------------------|---------------------------|
| Arsenic mg/ℓ | Ammonium mg/ℓ | Grease and/or oil mg/ℓ |
| Boron mg/ℓ | Nitrate mg/ℓ | Starch and/or sugars mg/ℓ |
| Cadmium mg/ℓ | Sulphate mg/ℓ | Synthetic detergents mg/ℓ |
| Chromium mg/ℓ | Sulphide mg/ℓ | Tar and/or tar oils mg/ℓ |
| Cobalt mg/ℓ | Other (Specify) mg/ℓ | Volatile solvents mg/ℓ |
| Copper mg/ℓ | Other (Specify) mg/ℓ | |
| Cyanide mg/ℓ | | |
| Iron mg/ℓ | | |
| Lead mg/ℓ | | |
| Manganese mg/ℓ | | |
| Mercury mg/ℓ | | |

Nickel mg/ℓ
Selenium mg/ℓ
Titanium mg/ℓ
Tungsten mg/ℓ
Zinc mg/ℓ
Other (Specify) mg/ℓ

(9) Furnish any further information about the kind or character, the chemical composition, concentration or other properties peculiar to the industrial effluent on a separate sheet and attach it to this form.

PART IV

CONDITIONS FOR THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicant's undertaking that the applicant will abide by, observe and comply with the following terms and conditions, and any further special conditions that the Engineer may think fit to impose in any particular case:

1. The applicant must annex to this form descriptions of and a statement setting out the dimensions of the grease and oil traps, screens, dilution and neutralising tanks and any other provision made by the applicant for the treatment of the effluent before it is discharged into the sewer.
2. The applicant must submit to the Municipality, if requested to do so, plans showing the reticulation systems on the applicant's premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Municipality's Sanitation By-law as they relate to the protection of the Municipality's employees, sewers and treatment plants from damage, comply with any direction concerned with such protection that is given to the applicant by the Engineer, whether verbally or in writing, for the purpose of ensuring the applicant's compliance with the by-law.

4. The applicant must notify the Municipality of any material change in the nature or quantity of the industrial effluent specified in this application or in any of the facts furnished by the applicant in the application. The applicant must notify the Municipality as soon as possible after the applicant becomes aware of the material change, or at least 14 days before anything is done to cause the material change.
5. The applicant must, within 30 days from the date of signature of this application, obtain an accurately representative sample of not less than 5 litres of the industrial effluent which is to be discharged into the sewer, which sample must be free of domestic sewage. The applicant must submit one half of the sample to the Municipality for analysis and must also submit to the Engineer a report on the sample compiled by an analyst appointed by the applicant. In the case of a newly established business or undertaking, the 30-day period may be extended by the Municipality for a period not exceeding six months or for further extended periods that the Municipality may, at its discretion, permit from time to time in writing.
6. The applicant hereby declares and guarantees that the information furnished by the applicant in this form, or otherwise in connection with this application, is, to the best of the applicant's knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, forms the basis on which this application will be granted by the Municipality.

Thus done and signed at by the applicant on this day
of 20....

.....
Signature of the applicant

Capacity of the applicant:

Appendix C**INDUSTRIAL EFFLUENT DISCHARGE FORMULA**

1. The additional industrial effluent charge for the disposal of high-strength sewage into waste-water treatment plants shall be determined in accordance with the following formula:

Where T_c = extraordinary treatment cost to consumer

Q_c = waste-water volume discharged by consumer in kilolitres

t = unit treatment cost of waste water in rand per kilolitre

COD_c = total chemical oxygen demand (COD) of waste water discharged by consumer in milligrams per litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

COD_d = total COD of domestic waste water in milligrams per litre

P_c = orthophosphate concentration of waste water discharged by consumer in milligrams of phosphorus per litre

P_d = orthophosphate concentration of domestic waste water in milligrams of phosphorus per litre

N_c = ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre

N_d = ammonia concentration of domestic waste water in milligrams of nitrogen per litre

a = portion of the costs directly related to COD

b = portion of the costs directly related to the removal of phosphates

c = portion of the costs directly related to the removal of nitrates

| Different terms | Value |
|------------------|----------|
| t | R0,82/kℓ |
| COD _d | 600 mg/ℓ |
| P _d | 10 mg/ℓ |
| N _d | 25 mg/ℓ |
| a | 0,6 |
| b | 0,25 |
| c | 0,15 |

Penalty charges

2. Penalties for the exceeding of the prescribed limits shall be determined by the Municipality from time to time in accordance with the Water Act and the applicable regulations.

12. FOOD PREMISES AND THE TRANSPORT OF FOOD BY-LAW

The Minister of Health has, in terms of section 35, read with section 40, of the National Health Act, 2003 (Act No. 63 of 2003), made the regulations in the Schedule.

1. Definitions

In these by-law any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

“animal” means any member of the animal kingdom;

“available” includes available elsewhere than on the food premises in question;

“best available method” means a method which is practicable and necessary for the protection of food against contamination or spoilage, having due regard to local conditions and circumstances whether at or on food premises or elsewhere, the prevailing extent of established practice and the financial implications thereof;

“certificate of acceptability” means a certificate of acceptability referred to in regulation 3;

“clean” means free of any dirt, impurity, objectionable matter or contamination to the extent that a state of hygiene is attained, and **“keep clean”** has a similar meaning;

“container” or **“food container”** includes anything in which or with which food is served, stored, displayed, packed, wrapped, kept or transported and with which food is in direct contact;

“contaminate” means the effect exerted by an external agent on food so that it -

- (a) does not meet a standard or requirement determined by any law;
- (b) does not meet acceptable food hygiene standards or consumer norms or standards; or
- (c) is unfit for human consumption;

and “**contamination**” has a corresponding meaning;

“**core temperature**” means the temperature reading taken in the estimated centre of the food;

“**facility**” means any apparatus, appliance, equipment, implement, storage space, working surface or object used in connection with the handling of food;

“**food**” means a foodstuff intended for human consumption as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), excluding food referred to in regulation 14;

“**food handler**” means a person who in the course of his or her normal routine work on food premises comes into contact with food not intended for his or her personal use;

“**food premises**” means a building, structure, stall or other similar structure, and includes a caravan, vehicle, stand or place used for or in connection with the handling of food;

“**good manufacturing practice**” means a method of manufacture or handling or a procedure employed, taking into account the principles of hygiene, so that food cannot be contaminated or spoiled during the manufacturing process;

“**handle**” includes manufacture, process, produce, pack, prepare, keep, offer, store, transport or display for sale or for serving, and “**handling**” has a corresponding meaning;

“**hands**” includes the forearm or the part of the arm extending from the wrist to the elbow;

“**health hazard**” includes any condition, act or omission that may contaminate or spoil food so that consumption of such food is likely to be dangerous or detrimental to health;

“**inspector**” means a medical officer of health appointed in terms of section 22(1) of the Act, or an environmental health officer or veterinary surgeon appointed in terms of section 24(1) of the Act;

“**perishable food**” means any foodstuff which on account of its composition, ingredients, moisture

content and/or pH value and of its lack of preservatives and suitable packaging is susceptible to an uninhibited increase in microbes thereon or therein if the foodstuff is kept within the temperature spectrum of 4oC to 65oC, and includes the perishable foodstuffs listed in Government Notice No. R.1183 of 1 June 1990, as amended, excluding fruit and vegetables;

“person in charge”, with regard to any food premises, means a natural person who is responsible for the food premises and/or the owner of such food premises, as the case may be;

“prepacked food”, means food which, before it is presented for sale or for serving, has been packed as contemplated in regulation 7(3);

“ready-to-consume food” means any perishable food which may be consumed without having to undergo any further process of preparation to make it consumable;

“serve” includes the provision of food whether for a consideration or otherwise;

“the Act” means the Health Act, 1977 (Act No. 63 of 1977);

“thermometer” means an apparatus which can give the temperature readings referred to in these regulations, the combined accuracy of such a thermometer and its temperature-sensitive sensor being approximately 0,5oC;

“these regulations” includes any annexure to these regulations;

“unsound” means unwholesome sick, polluted, infected, contaminated, decayed or spoiled, or unfit for human consumption for any reason whatsoever;

“vehicle” means a train, trolley, wagon, cart, bicycle, sled, truck, boat, ship or aeroplane, and includes any other craft, vehicle or conveyance used in the handling or transport of food;

“water” means water that complies with the requirements set out in SABS 241: Water for domestic supplies.

2. Application

(1) any reference in these regulations to a local authority shall also be interpreted as a reference to the head of a provincial administration -

(a) where a local authority has failed to heed a notice in terms of section 15(1) of the Act;

(b) where a local authority has been relieved of a power or duty by notice in terms of section 20(5)(a) of the Act; or

(c) in respect of an area where there is no local authority as contemplated in section 30(1) of the Act.

(2) A local authority, which does not have the services of an inspector at its disposal for any reason may use the services of an inspector from another health authority or in private practice to exercise or execute the powers or duties of an inspector referred to in these regulations.

(3) No provision of these regulations that is in conflict with regulations made under the Act with regard to the handling or transport of certain foods shall be valid in so far as it so conflicts.

3. Certificate of acceptability

(1) Subject to the provisions of subregulation (2) and regulation 15(5), no person shall handle food or permit food to be handled -

(a) on food premises in respect of which a valid certificate of acceptability has not been issued or is not in force

(b) in contravention of any restriction or condition or stipulation contained in such certificate of acceptability.

(2) The provisions of subregulation (1) shall come into effect in the case of food premises existing at the time of publication of these regulations on the first day following a period of one year after the date of promulgation of these regulations.

(3) The person in charge of any food premises wishing to obtain a certificate of acceptability in respect of such food premises shall apply therefor in writing to the local authority in whose area of jurisdiction the food premises are situated on a form containing at least the particulars that are substantially the same as those contained in the form in Annexure A to these regulations.

(4) Upon receipt of an application referred to in subregulation (3), the local authority shall without delay refer the application to an inspector for consideration.

(5) An inspector may, in considering such an application, request such further information as he or she may deem necessary or expedient from the applicant or from any other person.

(6) If an inspector, after having carried out an inspection, is satisfied that the food premises concerned, having due regard to existing conditions of the adjacent land and facilities, subject to the provisions of regulations 4(2) and 15 -

(a) do in all respects comply with the provisions of regulations 5 and 6, a local authority shall issue a certificate of acceptability in the name of the person in charge on a form that is substantially the same as the form in Annexure B of these regulations; or

(b) do not in all respects comply with the provisions of regulations 5 and 6, a local authority may, subject to the provisions of regulation 4(2), grant an extension for a maximum of six months to enable the person in charge so to change or equip the food premises that they comply with the provisions in question: Provided that during the said period of extension the provisions of subregulation (1) shall not apply to the person concerned.

(7) A certificate of acceptability shall be displayed in a conspicuous place for the information of the public on the food premises in respect of which it was issued or a copy thereof shall immediately be made available on request where the display thereof is impractical.

(8) If the person in charge of food premises is replaced by another person, such person shall inform the local authority in writing of such replacement within 30 days after the date thereof and the local authority shall subject to the provisions of regulation 4(2), issue a new certificate of acceptability in the name of the new person in charge.

(9) A certificate of acceptability -

-
- (a) shall not be transferable from one person to another person and from one food premises to another food premises;
 - (b) shall be valid only in respect of the nature of handling set out in the application for a certificate of acceptability;
 - (c) may at any time be endorsed by a local authority by -
 - (i) the addition of any further restriction that may be necessary to prevent a health hazard; and
 - (ii) the removal of any restriction with regard to the category or type of food or the method of handling;
 - (d) shall expire temporarily for the period during which a prohibition under regulation 4(2) is in effect
 - (e) shall expire permanently if a prohibition referred to in regulation 4(2) is not removed within a stipulated period which shall not exceed six months from the date on which a notice was issued in terms of regulation

(f) shall expire permanently if the provisions of subregulation (8) are not complied with.

(10) No person may make any unauthorised changes or additions to or forge a certificate of acceptability.

4. Prohibition on the handling and transportation of food

(1) No person shall handle food in a manner contrary to the provisions of these regulations.

(2) If an inspector following an inspection of food premises or a facility is of the opinion -

(a) that such food premises or facility -

- (i) are or is in such a condition or used in such a manner; or
- (ii) do or does not comply with these regulations to the extent;

(b) that a particular activity with regard to the handling of food takes place in such a manner;
or

(c) that such circumstances exist with regard to the food premises or facility or any other activity, that they or it constitute a health hazard and that the continued use of the food premises or facility or the activity should be prohibited, the local authority may summarily prohibit the use of the food premises or facility for the handling of food or any of the activities that relate to the handling of food, by serving a written notice in terms of section 52 of the Act on the person in charge or, if he or she is not available, his or her representative informing such person of the prohibition.

(3) A notice referred to in subregulation (2) shall contain at least the following particulars:

- (a) The reason(s) for the prohibition;
- (b) a statement that the prohibition will in writing be removed by a local authority as soon as the reason(s) for the prohibition has (have) been removed and provided the inspector is satisfied that the reason(s) for the prohibition is (are) not likely to recur.

(4) (a) A prohibition shall come into operation from the time at and the date on which a notice is

served under subregulation (2).

(b) No person shall perform any act that is contrary to such prohibition.

(5) An inspector shall, within 72 working days hours of receiving a request for the removal of a prohibition, carry out an investigation of the food premises, facility, activity or circumstance which gave rise to the prohibition and the local authority shall upon completion of such investigation in writing inform the person on whom the prohibition notice was served or, if he or she is not available, any other person representing such person that the prohibition has been removed or remains, as the case may be.

(6) A local authority may levy an inspection fee equivalent to the expenses incurred by the local authority for carrying out the inspection on the person in charge for each investigation carried out by an inspector in terms of subregulation (5).

5. Standards and requirements for food premises

(1) Subject to regulation 15 no person shall handle food elsewhere than on food premises that meet the requirements of this regulation and regulation 6.

(2) Food premises shall be of such location, design, construction and finish and shall be so equipped, in such condition and so appointed that they can be used at all times for the purpose for which they were designed, equipped and appointed -

(a) without creating a health hazard; and in such manner that food -

(i) can be handled hygienically on the food premises or with the equipment thereon; and

(ii) can be effectively protected by the best available method against contamination or spoilage by poisonous or offensive gases, vapours, odours, smoke, soot deposits, dust, moisture, insects or other vectors, or by any other physical, chemical or biological contamination or pollution or by any other agent whatsoever.

(3) For the purposes of subregulation (2) food premises shall meet the following requirements;

(a) All interior surfaces of walls, sides or ceilings, or of roofs without ceilings, and the surfaces of floors, or any other similar horizontal or vertical surfaces that form part of or enclose the food-handling area shall-

(i) have no open joints or open seams and shall be made of smooth, rust-free, non-toxic, cleanable and non-absorbent material that is dust-proof and water-resistant: Provided that in a food-serving or storage area -

(aa) facebrick;

(bb) similar wails the joints of which are formed properly or are so formed and finished that they are easy to clean; or

(cc) decorative wall or ceiling finishes which are easy to clean, may be used;

(ii) be of such a nature that they cannot contaminate or contribute to the contamination of food.

(b) Each room of food premises shall be -

(i) ventilated effectively by means of -

(aa) natural ventilation through openings or openable sections which are directly connected to the outside air and so positioned in the external walls and/or roof that effective cross-ventilation is possible: Provided that such openings shall have a surface area equal to at least 5% of the floor area of the room concerned; or

(bb) artificial ventilation that complies with the requirements of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), whichever of the two methods will facilitate the addition of adequate fresh air to and the effective removal of polluted or stale air from the food-handling area to the extent that air contaminants that could contaminate food, and that gas, vapours, steam and warm air that may arise during the handling of food are effectively removed, and that the emergence of any unhygienic or unhealthy condition in the food-handling area is prevented;

(ii) illuminated by means of -

(aa) unobstructed transparent surfaces in the external walls and/or roof which admit daylight, with an area equal to at least 10% of the floor area in the room concerned; and

(bb) artificial illumination which complies with the requirements of the National Building Regulations and the Building Standards Act, 1977, and which permits an illumination strength equal to at least 200 lux to fall on all food-handling surfaces in the room concerned.

(c) Food premises shall -

(i) have a wash-up facility with hot and cold water for the cleaning of facilities;

(ii) be rodentproof in accordance with the best available method: Provided that this requirement shall not apply in respect of food premises on which no food is handled or kept after the trading hours of the premises;

(iii) be provided with effective means of preventing the access of flies or other insects to an area where food is handled;

(iv) have a waste-water disposal system approved by the local authority.

(d) The following shall be available in respect of food premises:

(i) The number of latrines, urinal stalls and hand washbasins specified in Annexure C to these regulations for the use of workers on the food premises and for use by persons to whom food is served for consumption on the food premises: Provided that separate sanitary facilities for workers and clients shall not be required: Provided further that where persons of only one sex or no more than ten persons work on food premises, separate sanitary facilities shall not be required for workers of different sexes;

(ii) hand-washing facilities which shall be provided with cold and/or hot water for the washing of hands by workers on the food premises and by persons to whom food is served for consumption on the food premises, together with a supply of soap (or other cleaning agents) and clean disposable hand-drying material or other hand-cleaning facilities or hand-drying equipment for the cleansing and drying of hands by such workers and persons;

(iii) liquidproof, easy-to-clean refuse containers with close-fitting lids suitable for the hygienic storage of refuse pending its removal from the food-handling area;

(iv) storage space for the hygienic storage of food, facilities and equipment and a suitable separate area for the hygienic storage of refuse containers on the food premises;

(v) a separate changing area with storage facilities for clothes;

(vi) an adequate supply of water.

- (e) No room in which food is handled shall have a direct connection with any area -
- (i) in which gas, fumes, dust, soot deposits, offensive odours or any other impurity is present or may arise in such a manner that food in the food-handling room could be contaminated or spoilt;
 - (ii) in which an act is performed in any manner or where any condition exists that could contaminate or spoil food in the food handling area;
- (f) A room in which food is handled may be connected to a room in which a latrine or urinal is situated
- (i) only via a properly ventilated lobby: Provided that all relevant interconnecting doors shall cover the whole area of their apertures: Provided further that they shall be equipped with durable self-closing devices; or
 - (ii) without such a lobby between them: Provided that the connecting aperture shall have a self-closing door as contemplated in item (i): Provided further that the latrine or urinal room shall be equipped with effective mechanical extraction ventilation to the outside air to render the atmosphere inside such room under a negative pressure in relation to the atmosphere in the food-handling room.

6. Standards and requirements for facilities on food premises

(1) The surface of any table, counter or working surface on which unwrapped food is handled and any equipment, utensil or basin or any other surface which comes into direct contact with food shall be made of smooth, rust-proof, non-toxic and non-absorbent material that is free of open joints or seams: Provided that wooded chopping blocks, cutting boards and utensils shall not be prohibited providing such items are kept in such a condition that dirt does not accumulate thereon or therein.

(2) No surface referred to in sub-regulation (1) and no crockery, cutlery, utensils, basins or any other such facilities shall be used for the handling of food if they are not clean or if they are chipped, split or cracked.

(3) Any utensil or item which is suitable for single use only -

- (a) shall be stored in a dust-free container until used; and
- (b) shall not be used more than used.

(4) A surface referred to in subregulation (1) and a facility referred to in subregulation (2) shall be -

- (a) cleaned and washed before food come into direct contact with it for the first time during each work shift; and
- (b) cleaned and washed, as and when necessary, during and/or immediately after the handling of food, so that contamination of the food that comes into contact with any such surface or facility is prevented, and any such surface or facility shall, before food comes into direct contact therewith, contain -
 - (i) no more than 100 viable micro-organisms per cm² upon analysis, conducted in accordance with acknowledged scientific micro-biological methods of investigation, of a sample taken in accordance with the swab technique prescribed by SABS Standard Test Method 763: Efficacy of Cleaning Plant, Equipment and Utensils: Swab Technique; and
 - (ii) no remains of cleaning materials or disinfectants which may pollute the food.

(5) (a) Every chilling and freezer facility used for the storage , display or transport of perishable food shall be provided with a thermometer which at all times shall reflect the degree of chilling of the refrigeration area of such facility and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

(b) Every heating apparatus or facility used for the storage, display or transport or heated perishable food shall be provided with a thermometer which at all times shall reflect the degree of heating of the heating area concerned and which shall be in such a condition and positioned so that an accurate reading may be taken unhampered.

7. Standards and requirements for food containers

(1) No person shall sell canned or hermetically sealed food in a container which -

- (a) bulges at the flat or round sides or ends or one side of which bulges when the other side is pressed;

(b) is in any way blown or from which gas escapes when it is opened or punctured, unless

(i) the container contains an aerated drink; or

(ii) gas has been used as a preservative;

(c) is so rusted or damaged that it is liable to contaminate or spoil the food or that it leaks or has become unsealed;

(c) had a leak which was resealed.

(2) A container shall be clean and free from any toxic substance, ingredient or any other substance liable to contaminate or spoil the food in the container.

(3) Repacked food, depending on the type of food, shall be packed in a dustproof and liquid proof container that protects the product therein against contamination under normal handling conditions and shall be so packed or sealed that the food cannot be removed from its container without the stopper or lid or similar seal being removed or without the wrapping, container or seal being damaged.

(4) Perishable food, excluding the products referred to in regulation 14 and products that are not prepacked, except food for consumption as meals on food premises, shall, when served to the consumer, be packed in a container that protects the food therein against contamination.

8. Standards and requirements for the display, storage and temperature of food

(1) Food that is displayed or stored shall not be in direct contact with a floor or any ground surface.

(2) Any shelf or display case used for displaying or storing food or any container shall be kept clean and free from dust or any other impurity.

(3) Non-prepacked, ready-to-consume food, including food served as meals and displayed in an open container, shall be protected in accordance with the best available method against droplet contamination or contamination by insects or dust.

(4) (a) Subject to subregulation (5) all food specified in Annexure D to these regulations shall, excluding the time taken by the food to cool down or to be heated to the required temperature in

accordance with good manufacturing practice, during the storage, transport or display thereof be kept at a core temperature not exceeding the core temperature specified in column 3 of Annexure D opposite the relevant category of food, and no food shall be sold if, in the case of frozen or chilled food products, the core temperature thereof is higher than the required core temperature or the surface temperature thereof is more than 2oC higher than the required core temperature, and, in the case of heated food products, the core temperature thereof is lower than the required core temperature or the surface temperature thereof is more than 2oC lower than the required core temperature.

(b) The provisions of paragraph (a) shall not apply to -

(i) any perishable food that will be sold directly to a consumer within one hour of being processed or prepared or that will be consumed on the food premises within one hour of being processed or prepared;

(ii) venison, for a period not exceeding eight hours after the animal concerned has been killed: Provided that the surface temperature thereof shall not exceed 25oC;

(iii) unprocessed raw fish, molluscs or crustaceans or raw meat or edible offal or the carcasses of cattle, sheep, goats, pigs, horses, mules, donkeys, rabbits or ostriches while being transported for a period not exceeding one hour during delivery: Provided that the surface temperature thereof shall not exceed 25oC.

(iv) any food exposed to higher temperatures than those referred to in this regulation during a maturation period or as part of a manufacturing process: Provided that exposure to such higher temperatures shall be in accordance with good manufacturing practice.

(5) Any food that is marketed as a frozen product and has thawed but the surface temperature of which has not exceeded 7oC may be refrozen: Provided that such refrozen product shall be handled in accordance with good manufacturing practice.

(6) The code of practice for measuring the temperature of food set out in Annexure E to these regulations shall, in so far as it is applicable, be applied to measuring the temperature of food.

9. Standards and requirements for protective clothing

- (1) No person shall be allowed to handle food without wearing suitable protective clothing as specified in subregulation (2).
- (2) The protective clothing, including head covering and footwear, of any person handling food that is not packed so that the food cannot be contaminated shall
- (a) be clean and neat when such person begins to handle the food;
 - (b) at all times during the handling of the food be in such a clean condition and of such design and material that it cannot contaminate the food;
 - (c) be so designed that the food cannot come into direct contact with any part of the body, excluding the hands.

10. Duties of a person in charge of food premises

A person in charge of food premises shall ensure that -

- (a) effective measures are taken to eliminate flies, other insects, rodents or vermin on the food premises;
- (b) any person working on the food premises is adequately trained in food hygiene by an inspector or any other suitable person;
- (c) refuse is removed from the food premises or from any room or area in which food is handled as often as is necessary and whenever an inspector requires it to be done;
- (d) refuse is stored or disposed of in such a manner that it does not create a nuisance;
refuse bins are -
 - (i) cleaned regularly; and
 - (ii) disinfected whenever necessary and whenever an inspector requires it to be done;
- (f) waste water on the food premises is disposed of to the satisfaction of the local authority;
- (g) the food premises and any land used in connection with the handling of food and all facilities, freight compartments of vehicles and containers are kept clean and free from any unnecessary materials, goods or items that do not form an integral part of the operation and that have a negative effect on the general hygiene of the food premises;
- (h) no person handling non-prepacked food wears any jewellery or adornment that may come into contact with the food, unless it is suitably covered;

-
- (i) no animal, subject to the provisions of any law, is kept or permitted in any room or area where food is handled, except that -
- (i) a guide dog accompanying a blind person may be permitted in the sales or serving area of the food premises;
- (ii) fish, molluscs or crustaceans may be kept alive until prepared for consumption;
- (iii) a live animal may be killed in a separate room before the carcass is handled, subject to regulation i2(4);
- (j) no condition, act or omission that may contaminate any food arises or is performed or permitted on the food premises;
- (k) the provisions of these regulations are complied with;
- (l) all persons under his or her control who handle food at all times meet the standards and requirements and execute the duties prescribed by regulations 9 and 11, respectively;
- (m) a room or area in which food is handled shall not be used for -
- (i) sleeping purposes;
- (ii) washing, cleaning or ironing of clothing or similar laundry;
- (iii) any other purpose or in any manner that may contaminate the food therein or thereon;
- (n) no food handler touches ready-to-consume non-prepacked food with his or her bare hands, unless it is unavoidable for preparation purposes, in which case such food shall be handled in accordance with good manufacturing practice;
- (o) the reporting of diseases and conditions contemplated in regulation 11(2)(b) are properly recorded and kept for perusal by an inspector.

11. Duties of a food handler

- (1) Food, a facility or a container shall not be handled by any person -
- (a) whose fingernails, hands or clothes are not clean;
- (b) who has not washed his or her hands thoroughly with soap and water or cleaned them in another effective manner -
- (i) immediately prior to the commencement of each work shift;
- (ii) at the beginning of the day's work or after a rest period;
- (iii) after every visit to a latrine or urinal;
- (iv) every time he or she has blown his or her nose or after his or her hands have been in contact

with perspiration or with his or her hair, nose or mouth;

(v) after handling a handkerchief, money or a refuse container or refuse;

(vi) after handling raw vegetables, fruit, eggs, meat or fish and before handling ready-to-use food;

(vii) after he or she has smoked or on return to the food premises; or (viii) after his or her hands have become contaminated for any other reason.

(2) Food, a facility or a container shall not be handled by any person -

(a) who has on his or her body a suppurating abscess or a sore or a cut or abrasion, unless such abscess, sore, cut or abrasion is covered with a moisture proof dressing which is firmly secured to prevent contamination of the food;

(b) who is or who is suspected of suffering from or being a carrier of a disease or condition in its contagious stage that can be transmitted by food, unless any such person immediately reports the disease or condition to the person in charge and a certificate by a medical practitioner stating that such person is fit to handle food is submitted;

(c) whose hands or clothing are not clean.

(3) No person shall -

(a) spit in an area where food is handled or on any facility;

(b) smoke or use tobacco in any other manner while he or she is handling non-prepacked food or while he or she is in an area where such food is handled;

(c) handle non-prepacked food in a manner that brings it into contact with any exposed part of his or her body, excluding his or her hands;

(d) lick his or her fingers when he or she is handling non-prepacked food or material for the wrapping of food;

(e) cough or sneeze over non-prepacked food or food containers or facilities;

(f) spit on whetstones or bring meat skewers, labels, equipment, or any other object used in the handling of food or any part of his or her hands into contact with his or her mouth, or inflate sausage casings, bags or other wrappings by mouth or in any other manner that may contaminate the food;

(g) walk, stand, sit or lie on food or on non-hermetically sealed containers containing food or on containers or on food-processing surfaces or other facilities;

- (h) use a hand washbasin for the cleaning of his or her hands and simultaneously for the cleaning of facilities; or
- (i) while he or she is handling food, perform any act other than those referred to above which could contaminate or spoil food.

12. Standards and requirements for the handling of meat

- (1)(a) No person shall on food premises handle meat derived from an animal slaughtered in contravention of section 3 of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).
- (b) No person shall on food premises handle the meat of an animal exempted from the provisions of sections 3(1) and 10(1) of the Abattoir Hygiene Act, 1992, unless a notice that is clearly visible and legible and that contains the following information or information to that effect, in letters at least 18 mm high, is displayed at the food premises: "The meat sold on these premises has been exempted from inspection in terms of section 10(1) of the Abattoir Hygiene Act, 1992 (Act No. 121 of 1992).".
- (2) Meat on a carcass shall not be handled on food premises, unless -
 - (a) the carcass has been properly bled;
 - (b) the abdominal viscera were removed within 30 minutes after the killing of the animal in such a manner that neither the stomach and intestinal content nor any other matter polluted or spoiled the meat; and
 - (c) the thoracic viscera were removed within three hours after the killing of the animal.
- (3) Unskinned carcasses shall not be so handled that the skin thereof comes into contact with other food on food premises or that the meat of such carcasses is contaminated or spoiled.
- (4) Subject to section 3 of the Abattoir Hygiene Act, 1992, no animal shall be killed, bled, eviscerated, skinned or dressed on food premises other than in a room used specifically and exclusively for that purpose in accordance with good manufacturing practice: Provided that no further handling or processing of any such carcass shall take place in that room.

13. Standards and requirements for the transport of food

- (1) No person shall transport food including the products referred to in regulation 14 on or in any part of a vehicle -

(a) unless that part is clean and has been cleaned to such an extent that chemical, physical or microbiological contamination of the food is prevented;

(b) together with -

(i) contaminated food or waste food;

(ii) poison or any harmful substance;

(iii) a live animal; or

(iv) any object that may contaminate or spoil the food.

(2) Subject to subregulations (1) and (4), the freight compartment of a vehicle that is used for the transportation of food that is not packed or wrapped in liquid proof and dustproof sealed containers -

(a) shall have an interior surface made of an easy-to-clean and smooth, rustfree, non-toxic and non-absorbent material without open joints or seams and, before food is loaded into such freight compartment, no square centimetre of the said surface shall upon analysis as referred to in regulation 6(4) contain more than 100 viable micro-organisms;

(b) shall be dustproof;

(c) shall not be used simultaneously for the transport of any person or any other item that may contaminate the food.

(3) Notwithstanding any provisions to the contrary contained in this regulation, no non-prepacked food shall be -

(a) transported in such a manner that it comes into contact with the floor of a vehicle or the floor covering thereof or a surface thereof that can be walked on or with anything else that could pollute the food; or

(b) transported or carried in such a manner that the food could be spoiled or contaminated in any way.

(4) Subregulations (2) and (3) (a) shall not apply to the transport of venison, fish, molluscs or crustaceans between the food premises and the place where the animals are hunted or the place where the fish, molluscs or crustaceans are caught or harvested: Provided that such transport shall be by the best available method and within a suitable time limit for transport as required by circumstances.

14. Provisions concerning unprocessed products

Notwithstanding any provisions to the contrary contained in these regulations, an inspector shall, if he or she is of the opinion that conditions prevail that constitute a health hazard with regard to the packing, storage, display, sale or transport of fresh, raw and unprocessed fruit and vegetables and unprocessed maize, wheat, rye, unshelled peanuts, sugar cane, sunflower seed or other unprocessed agricultural crops, or with regard to the handling of food referred to in regulation 15(5)(a) -

(a) subject to regulations made in terms of section 35 of the Act relating to inspections and investigations in respect of the handling of food, order that any condition that led to or could lead to such or any other health hazard be corrected or that any provision of these regulations be complied with; or

(b) prohibit the continued use of the facility or food premises for the packing, storage, display, sale or transport of any of the said products, and the provisions of regulation 4(2) to (5) shall *mutatis mutandis* apply to such prohibition.

15. Exemptions, additional requirements and reservations

(1) A person in charge of food premises may, subject to regulation 3(1)(a), apply to the local authority concerned for exemption from any of the provisions of these regulations, excluding exemption from the issuing of a certificate of acceptability.

(2) Upon receipt of an application referred to in subregulation (1) a local authority shall refer the application to an inspector without delay, and exemption shall not be granted unless the inspector has submitted a report to the local authority to the effect that he or she is satisfied that -

(a) the provision from which exemption is requested imposes unreasonable requirements in the case in question; and

(b) the granting of such exemption does not or will not result in conditions that constitute a health hazard.

(3) An exemption referred to in this regulation -

(a) shall be subject to the conditions listed by the local authority in the certificate of acceptability or notice of exemption, as the case may be; and

(b) shall be withdrawn by the local authority on the grounds of an inspection report and a recommendation by an inspector to the effect that he or she is of the opinion that such exemption will result in conditions that constitute a health hazard.

(4) Subject to regulation 3(6)(a) a local authority may, on the grounds of an inspection report and recommendations from an inspector, set additional requirements to be met on any food premises where, despite compliance with any provision contained in these regulations, a health hazard exists which is not provided for in these regulations, which additional requirements shall, subject to the principles of the best available method and good manufacturing practice, be limited to the minimum necessary to remove the health hazard in question.

(5) (a) Subject to the principles of the best available method and good manufacturing practice, the provisions of regulations 3(1) and 5 shall not apply in respect of the killing, bleeding or evisceration of an animal after the hunting thereof or of fish, molluscs or crustaceans after the catching or harvesting thereof.

(b) The provisions of regulation 3(1) shall not apply to -

(i) a private residence where food is handled for the purpose of making it available without compensation to a church, educational or amateur sports organisation or any registered welfare or fund-raising organisation for sale: Provided that the person in charge of any such organisation who receives such food shall keep a record of the type of food and the address of the private residence where the food was handled for a period of at least 30 days after receipt of the food; and

(ii) any vehicle used by the person in charge of food premises, for which a certificate of acceptability exists, to transport, display or serve prepacked food deriving from such food premises, but shall apply in respect of a vehicle used for the transport of perishable food on behalf of another person.

(c) These regulations shall not apply to a private household which handles food for consumption by such household or, without compensation, by any other person.

16. Offences

Any person who contravenes a provision of these regulations or allows such a contravention to take place shall be guilty of an offence.

ANNEXURE A**[Regulation 3(3)]****APPLICATION FORM OF A CERTIFICATE OF ACCEPTABILITY FOR FOOD
PREMISES****A. PERSON IN CHARGE**

Surname and first names of the person in whose name the certificate of acceptability must be issued:

I.D. Number:

ADDRESS Postal address:

Residential address:

Tel. No.: Business Residential

B. PARTICULARS FOR FOOD PREMISES

Name of food premises (if any)

Erf No. (if applicable)

Type of food premises (e.g. building, vehicle, stall)

Location address or address where the food premises can be inspected

| |
|--|
| |
| |

If the following are not situated on the food premises, note the address or describe the location thereof:

| | | |
|---|---------|---------|
| (a) Sanitary (latrine) facilities | Erf No. | Adreess |
| | | |
| b) Cleaning facilities (wash-basins for facilities) | | |
| | | |
| c) Hand-washing facilities | | |
| | | |
| d) Storage facilities for food/facilities | | |
| | | |
| e) Preparation premises | | |
| | | |

C. FOOD CATEGORY

List and describe the food items or the nature or type of food involved

| |
|--|
| |
| |
| |

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing)

| |
|--|
| |
| |
| |
| |

E. STAFF

Number of persons employed or to be employed

| | |
|-----|-------|
| Men | Women |
| | |

F. PARTICULARS OF EXEMPTION BEING APPLIED FOR

[Regulation 15(1)]

| |
|--|
| |
| |
| |

G. PARTICULARS OF APPLICANT

Name.....

Capacity (e.g. owner, managing secretary, Tel no.)

Postal address

Signature.....

Date of application....

ANNEXURE B

[Regulation 3(6)(a)]

CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES

This certificate is not transferable from premises to premises.

A. ISSUING LOCAL AUTHORITY:

CERTIFICATE No.:.....

Name.....

Tel no.....

Official Stamp

B. FOOD PREMISE

Name (if any).....

Address: (Location or trading area, erf N. or vehicle registration No.):

vehicle registration No.):

Address where food is processed:

C. PERSON IN CHARGE

NAME:.....

I.D. NUMBER -.....

D. CERTIFICATION AND RESTRICTION

It is hereby certified that the above-mentioned food premises comply with the provisions of regulations 5 and 6 made by Government Notice No. R. 918 of 30 July 1999 in respect of the handling of food in the manner specified

Restrictions, conditions or stipulation in terms of regulation 3(1)(b)

D. SIGNATURE OF INSPECTOR

E. DATE:

| | | |
|-----------------------------------|-------------|--|
| Name of inspector | DATE: | |
| Official designation | | |
| F. ENDORSEMENTS/EXEMPTIONS | DATE | |
| | | |
| | | |

In terms of regulation 15

DATE

SIGNATURE OF INSPECTOR

ANNEXURE C

[Regulation 5(3)(d)(i)]

SANITARY CONVENIENCES

| | |
|--|--------------|
| Population: | |
| The number of staff members and the maximum number of customers for whom provision is made to consume food on any premises at any one time | |
| Number of sanitary conveniences to be installed in relation to the population as given in the first column | |
| Men | Women |
| For a population up to Latrines Urinal stalls* | |
| Hand washbasins | |
| Latrines Hand washbasins | |
| 10 | 1 1 1 1 1 |
| 20 | 1 2 2 2 2 |
| 40 | 2 3 2 3 3 |
| 60 | 3 3 2 4 4 |
| 80 | 4 4 3 6 5 |
| 100 | 4 4 3 8 6 |
| 120 | 5 5 4 9 7 |
| 140 | 5 5 4 10 8 |
| 180 | 5 6 5 11 8 |
| Add 1 latrine, 1 hand washbasin and 1 urinal for every 70 persons in excess of 180 persons | |
| Add 1 latrine and 1 hand washbasin for | |

every 35 persons in

excess of 180 persons

Urinal stall: A single urinal basin or a urinal trough at least 60cm in length

ANNEXURE D

[Regulation 8(4)]

FOOD TEMPERATURES

| Column 1 Category Column 2 Type of food Column 3 Required core temperature of food products that are stored, transported or displayed for sale |
|---|
| <p>Ice cream and sorbet, excluding sorbet, which is used for soft serve purposes. -18oC Frozen products Any other food which is marketed as a frozen product-12oC Raw unpreserved fish, molluscs, crustaceans, edible offal, poultry meat and milk..... +4oC Chilled products..... Any other perishable food that must be kept chilled to prevent spoilage...+7oC Heated products Any perishable food not kept frozen or chilled.. >/+65oC</p> |
| 20 |

ANEXURE E**[Regulation 8(6)]****CODE OF PRACTICE FOR MEASURING TEMPERATURES OF FOOD****1. Informing the person in charge or person responsible**

The inspector shall inform the person in charge, or a person supervising the operation if the person in charge is not available, that he or she wishes to measure the temperatures of the food concerned and shall explain to him or her all the procedures contained in this code.

2. Precautionary measures

(1) All procedures shall be carried out as far as is practicable in a manner that is aseptic and free from chemical pollutants.

(2) In the case of prepacked food, and if it is necessary, the inspector shall remove the packaging in such a manner that the minimum and only the most reasonable essential damage is caused, or the person in charge or the person supervising the operation shall remove the packaging at his or her own risk.

(3) The temperature of food shall as far as is practicable be measured without removing the food from a chilling, freezing or heating facility.

3. Measurement of temperature**Prepacked food**

(1) If the food is prepacked, the estimated temperature of the food may be measured by placing or at least one minute the stem of a thermometer (hereinafter referred to as the “stem”) between two or more food packages or, in the case of a single food package, on the outer surface of the package.

(2) If the temperature reading is not in compliance with the core temperatures specified in Annexure D to these regulations or if the inspector has any doubts regarding the temperature of the food inside the package, the surface or core temperature of the food may be measured to determine the actual temperature.

Core temperature

(3) If the food product is frozen a hole shall be drilled in the food up to the estimated core of the food product with a sterilised stainless steel bit with an external measurement of about 4mm. The sterilised stem shall be inserted into the hole up to the estimated centre of the product and a reading shall be taken after two minutes. In the case of a heated, chilled or unchilled product, the sterilised stem shall be inserted up to the estimated core of the food product and a reading shall be taken after one minute.

Surface temperature

(4) The surface temperature shall be measured by placing the sterilised stem directly on the surface of the food for at least one minute or, in the case of liquid, in the liquid for at least one minute, and the reading shall be taken immediately thereafter.

4. Presumption in respect of representative temperature reading

The food temperature determined in accordance with this code of practice shall be regarded as being representative of the temperature of all food in the freezing, chilling or heating facility concerned if the inspector is satisfied that such food is in the same condition or has the same characteristics as the food the temperature of which was taken.