

File number 1/R

Extraction from Minutes of 15th August 2006

Council Resolution 613/06

**FOLIO 561/06: MINUTES OF BY-LAWS MEETING HELD ON 06 JULY 2006**

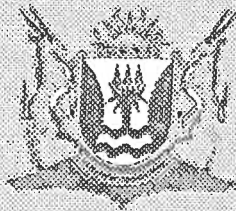
Cllr Simmons and Yantolo respectively proposed and seconded for the adoption of the minutes.

**RESOLVED**

- 1) That the proposed Municipal by-laws be adopted and promulgated as a matter of urgency subject to a second and last consultation process with the community on the determination of the liquor trading hours only.
- 2) That the consultation process in one above be undertaken on ward basis and led by Councillors.



701/06



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

Provincial Gazette  
Igazethi Yephondo  
Provinsiale Koerant

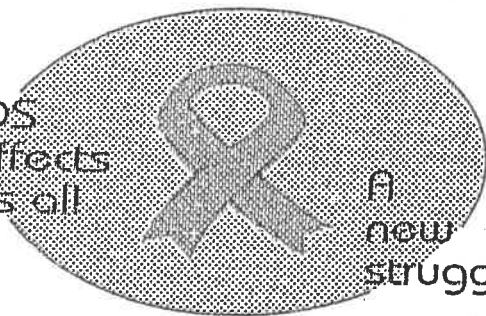
Vol. 13

BISHO/  
KING WILLIAM'S TOWN, 18 DECEMBER 2006

No. 1639  
(Extraordinary)

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**PART 1 OF 2**



9771692455006



01639

---



---

## CONTENTS

*Page  
No.      Gazette  
No.*

*No.*

### LOCAL AUTHORITY NOTICES

258	Constitution of the Republic of South Africa, 1996, Blue Crane Route Municipality: Aerodrome By-law.....	3	1639
259	do.: do.: Commonage By-law .....	10	1639
260	do.: do.: Community Fire Safety By-law .....	16	1639
261	do.: do.: Customer Care and Revenue Management By-law.....	48	1639
262	do.: do.: Electricity Supply By-law .....	78	1639
263	do.: do.: Fences and Fencing By-law .....	92	1639
264	do.: do.: Parlours, Cemeteries and Crematoria By-law .....	101	1639
265	do.: do.: Impoundment of Animals By-law .....	125	1639
266	Eastern Cape Liquor Act (10/2003): Blue Crane Route Municipality: Liquor Trading Hours By-law.....	131	1639
267	Constitution of the Republic of South Africa, 1996: Blue Crane Route Municipality: Outdoor Advertising and Signage By-law.....	138	1639
268	do.: do.: Prevention of Public Nuisances and Keeping of Animals By-law.....	170	1639
269	do.: do.: Public Amenities By-law .....	181	1639
270	do.: do.: Roads and Traffic By-law.....	201	1639
271	do.: do.: Solid Waste Disposal By-law .....	214	1639
272	do.: do.: Sporting Facilities By-law .....	223	1639
273	do.: do.: Storm Water Management By-law.....	234	1639
274	do.: do.: Street Trading By-law .....	240	1639
275	Water Services Act (108/1997): Blue Crane Route Municipality: Water Supply and Sanitation Services By-law.....	248	1639

---

---

## LOCAL AUTHORITY NOTICES

---

No. 258

### BLUE CRANE ROUTE MUNICIPALITY

#### AERODROME BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

##### Table of contents

1. Interpretation
2. Purpose of by-laws
3. Regulations of Aviation Act, Act 74 of 1962 and agreements applicable
4. Agreements
5. Aerodrome hours
6. Arrivals and departure of aircraft
7. Tariffs
8. Access to landing field
9. Regulation or prohibition of vehicular traffic and pedestrians
10. General Conduct of Persons
11. Removal of damaged or disabled aircraft
12. Supply of fuel to Aircraft.
13. Boarding or tampering
14. Use of buildings and hangars
15. Trading
16. Appeal
17. Penalties
18. Revocation of by-laws
19. Short title and commencement

##### 1. Interpretation

In this by-law, unless the context otherwise indicates –

"Act" means the Aviation Act, Act 74 of 1962;

"Air Navigation Regulations" means the Civil Aviation Regulations, 1997, published under Government Notice R. 1219, dated 26<sup>th</sup> September, 1997, as amended from time to time, or any regulations by which the same have been duly replaced;

"aerodrome" has the meaning assigned to it in the Aviation Act, 1962 (Act 74 of 1962), and in this by-law refers to the Blue Crane Route Municipal Aerodrome;

"Council" means the Blue Crane Route Municipal Council;

"manager" means the person for the time being in charge of the aerodrome and includes any other person who is authorised to act on his or her behalf;

"municipality" means the Municipality of Blue Crane Route, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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;

"landing field" means the area comprising the runways and other prepared ways for the passage of aircraft on the ground, aprons and all the land surrounding that area enclosed by a fence;

"public enclosures" means demarcated areas within the aerodrome set aside by the Council from time to time for use by members of the public other than persons flying in aircraft, and for the parking of vehicles;

"runway" means a defined rectangular area prepared or constructed for the landing and take-off run of aircraft along its length;

"taxiway" means a defined path on the aerodrome for the use of taxi-ing aircraft whether such path is constructed or not.

## 2. Purpose of by-laws

The purpose of this by-law is to provide for the control of all aerodromes.

## 3. Regulations of Aviation Act, Act 74 of 1962 and agreements applicable

This by-law must be read with, and the application thereof is subject to the Aviation Act, 1962 (Act 74 of 1962), as amended, any regulations made there-under, and any agreement entered into between the municipality and any holder of an operator's licence and nothing in this by-law must be taken as purporting to contradict or derogate from the control of the aerodrome in accordance with the Aviation Act, Act 74 of 1962, the regulations or any such agreement.

## 4. Agreements

The municipality may enter into a written agreement with any party regarding the use of any aerodrome of which it is the licence holder.

## 5. Aerodrome hours

The municipality may determine the hours during which the aerodrome may be used.

## 6. Arrivals and departure of aircraft

The pilot and every other person for the time being in charge or control of an aircraft must ensure that adequate precautions have been taken to keep unauthorized persons at a safe distance from all aircraft before any of its engines is started and while any engine is running.

## 7. Tariffs

Subject to any agreement referred to in section 3 the municipality may levy tariffs for the use of any aerodrome.

## 8. Access to landing field

(1) No person may enter or be on the landing field except the following:

- (a) Pilots and crew of aircraft based at or using the aerodrome in the course of their duties connected with the aircraft;
- (b) technical, mechanical and servicing personnel going to or from aircraft in pursuance of their official duties connected therewith;
- (c) pupil pilots going to or from aircraft for purposes of instruction or practice;
- (d) members of the aerodrome's ground staff on duty, and other aerodrome officials authorized by the Manager;
- (e) aircraft passengers, as long as they are passing directly between their aircraft and the public enclosures, or otherwise moving under the directions of the Manager or his staff; and
- (f) any person not previously specified in this section having express authority from the Manager to enter the landing field.

(2) A person who enters or is on the landing field in contravention of subsection (1) commits an offence.

## 9. Regulation or prohibition of vehicular traffic and pedestrians

(1) Motor cars and other vehicles may, in the absence of any special direction given by the Manager, only be parked in areas designated for that purpose by notices and within any lines which may be marked on the surface of any such area or as directed by the Manager or his or her nominee, however this subsection does not apply to any officer of the municipality employed at the aerodrome while acting in the course of his or her official duties.

(2) The Manager may at any time without previous notice, and either permanently or for such period as he or she may determine, prohibit or restrict in such manner as he or she may deem necessary the admission of persons or vehicles to the aerodrome or any particular part thereof.

(3) The Manager may, if it is deemed necessary for the proper control of the aerodrome, direct the person in lawful charge of a vehicle which is parked on the aerodrome to move the vehicle -

- (a) to another place on the aerodrome indicated by the Manager;
- or

- (b) from the aerodrome;  
and if such person refuses or fails or is not present to comply forthwith such direction the Manager or a member of the police may have that vehicle moved to such other place or from the aerodrome and any such action by the Manager or a member of the police does not exempt such person from prosecution in respect of such refusal or failure.
- (4) Motor vehicles may not be driven on the taxiways and runways without special permission from the Manager.
- (5) Pedestrians and persons in vehicles at the aerodrome are subject to the supervision of the Manager and must obey such directions with regard to their movements as he or she considers necessary to give in the interests of safety or the good management of the aerodrome.
- (6) No person under the age of fourteen years, not being an authorized passenger in an aircraft, may enter the aerodrome unless accompanied by and under the supervision of an adult person.
- (7) The Manager has the right to remove from the aerodrome any unaccompanied person under the age of fourteen years, not being an authorized passenger in an aircraft, and to require the removal there from by the adult in charge of him or her of any person under the age of fourteen years whose conduct is prejudicial to the amenities and proper management of the aerodrome.
- (8) A person who contravenes any of the provisions of this section or who fails to comply with a direction given by the manager commits an offence.

#### 10. General Conduct of Persons

- (1) No person may without the written prior consent of the Manager, within or around the aerodrome premises, buildings, structures, trees, fences or any other part thereof –
- (a) place or affix any placard or notice;
  - (b) climb any tree, building or other structure;
  - (c) uproot or injure any tree or plant or pick any flower;
  - (d) light or in any other manner cause a fire, or smoke or bring an open flame into –
    - (i) any place where such act is prohibited by a notice displayed on the direction or with the permission of the Manager; or
    - (ii) any place within 16 m of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of liquid fuel or explosives;
  - (e) tamper or interfere with any fire hose reel, hydrant or any other item or equipment provided solely for fire-fighting purposes, or in the event of a fire, to interfere with or take part



- in any rescue or fire-fighting operation, unless he or she has been asked to do so by the official in charge of such operation;
- (f) discharge any firearm or airgun or set off any firework, or use a catapult or to throw any stone or other object;
  - (g) affix or distribute any pamphlet, book, handbill or other printed matter or other article;
  - (h) enter any public convenience marked as being reserved for persons of the opposite sex;
  - (i) enter any building or place in disregard of a notice prohibiting such entry;
  - (j) play any musical instrument, operate any sound reproducing device, sing or make any speech;
  - (k) cause any obstruction, disturbance or nuisance or commit any act causing annoyance to other persons using the aerodrome or lawfully present thereat;
  - (l) enter or leave the aerodrome or any part thereof except by means of the entrances or exits marked as being provided for that purpose.

(2) No chock, drum, loading step, trestle or other equipment or object capable of causing an obstruction may be left on the landing field except when its presence there is actually and immediately necessary.

(3) A person who contravenes a provision of this section commits an offence.

#### 11. Removal of damaged or disabled aircraft

(1) The operator of any damaged or disabled aircraft must, if directed to do so by the Manager, move such aircraft or any part thereof or any cargo or thing carried therein to another place on the aerodrome indicated by the Manager, or from the aerodrome.

(2) If the operator of a damaged or disabled aircraft refuses or fails or is not present to comply forthwith with any direction given by the Manager in terms of subsection (1), the Manager may take all steps necessary to ensure that such direction is complied with as expeditiously and safely as possible and may recover from the operator of that aircraft the cost incurred in ensuring compliance with such direction and any such action by the Manager does not exempt such operator from prosecution in respect of such refusal or failure.

#### 12. Supply of fuel to Aircraft.

(1) No person may on the aerodrome supply fuel to any aircraft except at a place and in a manner approved by the Manager.

(2) The Manager may make any approval granted by him or her in terms of subsection (1) subject to compliance with such conditions as he or she may consider necessary to impose in order to safeguard persons or property

on the aerodrome and he or she may from time to time vary or add to any condition so imposed or withdraw his approval.

(3) The supply of fuel is, notwithstanding the above, subject to the provisions of the municipality's by-law relating to fire prevention.

(4) A person who contravenes subsection (1) or who fails to comply with a condition imposed in subsection (2) commits an offence.

### 13. Boarding or tampering with aircraft

(1) Except with the permission of the person in lawful charge of all aircraft no person may on the aerodrome –

(a) board such aircraft; or

(b) tamper or interfere in any way whatsoever with such aircraft or anything used in connection therewith.

(2) A person who contravenes subsection (1) commits an offence.

### 14. Use of buildings and hangars

(1) Subject to any agreement entered into in terms of section 3, the buildings, hangars and other facilities on the aerodrome are under the control of the municipality and the use thereof is subject to such conditions as may be imposed by it.

(2) A person who uses the buildings, hangars or other facilities in contravention of a condition imposed in terms of subsection (1) commits an offence.

### 15. Trading

(1) Subject to any agreement entered into in terms of section 3, no person may engage in the sale of refreshments or in the sale or hire of any other commodity or in the rendering for reward or otherwise of any service within the boundary of the aerodrome unless having obtained a written permit to do so given by the municipality.

(2) A person who contravenes subsection (1) commits an offence.

### 16. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

### 17. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to

a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

**18. Revocation of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**19. Short title and commencement**

This by-law is known as the Aerodrome By-law, and commences on the date of publication thereof in the Provincial Gazette.

No. 259

**BLUE CRANE ROUTE MUNICIPALITY  
COMMONAGE BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

Table of contents

1. Definitions
2. Purpose of by-law
3. Establishment of camps for grazing
4. Closing of camps
5. Approval to graze animals
6. Confinement of stock to camps
7. Numbers and condition of animals
8. Branding of stock
9. Grazing fees
11. Carcasses of animals
12. Prohibited conduct
13. Exemptions
14. Liaison forums in the community
15. Agreements
16. Authentication and service of notices and other documents
17. Appeal
18. Penalties
19. Revocation of by-laws
20. Short title and commencement

**1. Definitions**

“**Act**” means the Animal Identification Act, 2002 (Act 6 of 2002);

“**brand**” has the meaning assigned to it by the Animal Identification Act, 2002 (Act 6 of 2002);

“**commonage**” means that part of property owned by, or under control of, the municipality, which the municipality may set aside for grazing;

“**large stock**” has the meaning assigned to it by the Animal Identification Act, 2002 (Act 6 of 2002) and the Regulations made in terms thereof;

“**municipality**” means the Municipality of Blue Crane Route, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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;

“**prescribed**” means prescribed by the municipality;

“**small stock**” has the meaning assigned to it by the Animal Identification Act, 2002 (Act 6 of 2002) and the Regulations made in terms thereof.

**2. Purpose of by-law**

The purpose of this by-law is to provide for the control and administration of animals on a commonage established by the municipality.

**3. Establishment of camps for grazing**

(1) The municipality may reserve and fence off a portion of the commonage and establish camps for the grazing of the stock of the residents.

(2) The municipality may set apart portions of the commonage for the grazing of small stock and large stock.

(3) The municipality may erect paddocks or enclosures for animals of residents.

**4. Closing of camps**

(1) The municipality may, whenever it deems it necessary for a purpose such as, but not limited to, maintenance or allowing a meadow to regenerate grass growth, close and prohibit the grazing of a camp on the commonage, during certain periods of the year.

(2) No person may allow his or her animal to graze in a camp which has been closed by the municipality for whatever purpose or reason.

(3) The municipality may impound an animal found in a camp which has been closed in terms of subsection (1).

(4) A person who contravenes subsection (2) commits an offence.

**5. Approval to graze animals**

(1) No person may keep or depasture any animal in a camp on a commonage without first having obtained written approval from the municipality.

(2) A person who wishes to obtain approval must submit the prescribed form to the municipality which may, after considering the following factors, grant approval:

(a) the total number of animals already accommodated in the camps;

(b) the number of animals, and the kind of animal, which he or she wishes to have accommodated in a camp;

(c) the condition of the meadows (pastures), and if any further animals can be accommodated; and

(d) any other factor which the municipality deems necessary.

(3) The right of depasturing is personal only, and no person is entitled to transfer or cede his or her right to another.

(4) A person who contravenes subsection (1) commits an offence.

**6. Confinement of stock to camps**

(1) A person depasturing on commonage must confine the stock to the camp set apart by the municipality.

(2) A person who contravenes subsection (1) commits an offence.

**7. Numbers and condition of animals**

(1) The municipality may determine the numbers and kinds of animals that may be accommodated on the commonage by a person.

(2) A person keeping an animal on the commonage must ensure that the animal is in a healthy condition.

(3) The municipality may require from a person keeping or applying to keep an animal on the commonage to file with the municipality a sworn declaration as to the ownership and condition of the animal.

(4) A person who –

- (a) keeps more than the determined number of animals as contemplated in subsection (1) on a commonage;
- (b) who fails to keep an animal in a healthy condition as contemplated in subsection (2);
- (c) fails to file a declaration as contemplated in subsection (3); or
- (d) provides false information to the municipality, commits an offence.

#### **8. Branding of stock**

(1) A person who depasture any stock on the commonage must ensure that all his or her animals are branded in terms of section 7 of the Act.

(2) Stock found on the commonage without such branding, may be impounded by the municipality.

#### **9. Grazing fees**

(1) The municipality may determine grazing fees that must be paid to the municipality.

(2) Should a person fail to pay a grazing fee, the municipality may take such measures as provided for in its Customer Care and Revenue Management By-law.

#### **10. Infected or contagious animals**

(1) No person may graze, bring or leave any stock suffering from, or suspected of being infected with, any contagious or infectious disease, on the commonage.

(2) Any stock found on the commonage suspected of being infected with any contagious or infectious disease must, at the cost of the owner, be inspected by a veterinary surgeon, and if he or she finds that the disease is contagious or infectious, he or she may cause such stock to be isolated or destroyed.

(3) A person who contravenes subsection (1) commits an offence.

#### **11. Carcasses of animals**

(1) The owner of an animal which has died on the commonage must immediately cause the carcass to be buried, and should he or she fail to do so, the municipality will bury the carcass and claim the expenses from the owner.

(2) A person who fails to dispose of a carcass as contemplated in subsection (1) commits an offence.

#### **12. Prohibited conduct**

(1) No person may without the prior written consent of the municipality –

- (a) erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage;

- (b) accumulate, dump or deposit or cause to be accumulated, dumped or deposited on any portion of the commonage any derelict motor cars or other vehicles or machinery or any derelict parts thereof;
  - (c) dig on or remove soil, clay, sand, gravel or boulders from the commonage;
  - (d) make bricks, or erect brick-, lime- or charcoal kilns on the commonage;
  - (e) cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of the commonage;
  - (f) interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage;
  - (g) make use of any road over the commonage other than roads allowed to be used by the municipality from time to time, and roads that the public have a legal right to use;
  - (h) deposit, or in any way leave, any poison for whatever purpose on the commonage;
  - (i) kill, catch, capture, or hunt, or attempt to kill, any game or birds of whatsoever description on the commonage;
  - (j) set traps of whatsoever description on the commonage;
  - (k) destroy the nests, or remove the eggs or young therefrom, of any birds or water-fowl on the commonage; or
  - (l) fish in any dam, river or any other water on the commonage.
- (2) The municipality may take, or cause to be taken, any steps necessary to rectify any contravention of subsection (1) and may claim the costs incurred by the municipality from the person responsible for the contravention.
- (3) A person who contravenes subsection (1) commits an offence.

### 13. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted, must be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2). However, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

### 14. Liaison forums in the community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –

- (a) creating conditions for a local community to participate in the affairs of the municipality;
  - (b) encouraging a local community to participate in the affairs of the municipality; and
  - (c) promoting the achievement of a properly controlled and administered commonage.
- (2) A liaison forum may consist of –
- (a) a member or members of an interest group, or an affected person;
  - (b) a member or members of a community in whose immediate area a commonage has been established;
  - (c) a designated official or officials of the municipality; and
  - (d) a councillor.
- (3) (a) The municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on their own initiative give input to the municipality for consideration.

#### 15. Agreements

The municipality may enter into a written agreement with any party regarding the use of the commonage or any part thereof.

#### 16. Authentication and service of notices and other documents

- (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if an official of the municipality has signed it.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.



(4) When any notice or other document is 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.

**17. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**18. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

**19. Revocation of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**20. Short title and commencement**

This by-law shall be known as the Commonage By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

## No. 260

## BLUE CRANE ROUTE MUNICIPALITY

## COMMUNITY FIRE SAFETY BY-LAW

Under of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

## Table of contents

## CHAPTER 1: DEFINITIONS, PURPOSE SCOPE AND APPLICATION

1. Definitions
2. Purpose, scope and application of this by-law

## CHAPTER 2: ADMINISTRATIVE PROVISIONS

3. Administration and enforcement
4. Delegation
5. Enforcement provisions
6. Authority to investigate
7. Failure to comply with provisions
8. Denial, suspension or revocation of approval or certificate
9. Records required
10. Charges
11. Indemnity
12. Reporting fire hazard and other threatening danger

## CHAPTER 3: FIRE PROTECTION OF BUILDINGS

13. General
14. Access for emergency vehicles
15. Division and occupancy separating elements
16. Fire doors and assemblies
17. Escape routes
18. Tents

## CHAPTER 4: FIRE SAFETY EQUIPMENT

19. Fire extinguishers
20. Testing and maintenance of fire protection systems
21. Interference with and access to fire protection systems and fire extinguishers
22. Fire alarms and fire hydrants

## CHAPTER 5: PUBLIC SAFETY

23. Prevention and control of overcrowding
24. Attendance of service
25. Formulation of emergency evacuation plan
26. Displaying of escape route plans
27. Barricading of vacant buildings

## CHAPTER 6: HOUSEKEEPING

28. Combustible waste and refuse
29. Dust
30. Combustible or flammable substances and sweeping compounds
31. Accumulations in chimneys, flues and ducts
32. Sources of ignition
33. Smoking
34. Electrical fittings, equipment and appliances
35. Flame-emitting device

**CHAPTER 7: FIRE HAZARDS**

- 36. Combustible material
- 37. Lighting of fires and burning of combustible material
- 38. Fireworks
- 39. Designated areas

**CHAPTER 8: FLAMMABLE SUBSTANCES**

- 40. Application of Chapter
- 41. Storage and use of flammable substance
- 42. Application for a flammable substance certificate
- 43. Permanent or temporary above ground storage tank for flammable liquid
- 44. Underground storage tank for flammable liquid
- 45. Bulk storage depot for flammable substances
- 46. Small installations for liquefied petroleum gas
- 47. Bulk storage vessel for liquid petroleum gas
- 48. Termination of the storage and use of flammable substances
- 49. Reporting accidents
- 50. Flammable stores
- 51. Container handling and storage
- 52. Spray rooms and booths
- 53. Liquid petroleum gas containers

**CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS**

- 54. Dangerous goods certificate

**CHAPTER 10: GENERAL PROVISIONS**

- 55. State Bound
- 56. Offences and penalties
- 57. Repeal of laws and savings
- 58. Short title and commencement

**SCHEDULE 1 (FORMS)**

- A POPULATION CERTIFICATE
  - B APPLICATION FOR A FLAMMABLE SUBSTANCES CERTIFICATE
  - C FLAMMABLE SUBSTANCE CERTIFICATE
  - D APPLICATION FOR DANGEROUS GOODS CERTIFICATE
  - E DANGEROUS GOODS CERTIFICATE
  - F CONSTRUCTION OF SPRAY BOOTHS
- SCHEDULE 2 (APPLICABLE LEGISLATION)**  
**SCHEDULE 3 (SANS CODES OF PRACTICE AND SPECIFICATIONS)**

**CHAPTER 1: DEFINITIONS, PURPOSE SCOPE AND APPLICATION**

**1. Definitions**

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

**“above ground storage tank”** means a tank situated above ground for the storage of a flammable liquid;

**“automatic releasing hold-open device”** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

**“boundary”** means any lateral or street boundary of a site;

**“building”** means:

- a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:
  - i) the accommodation or convenience of human beings or animals;
  - ii) the manufacture, processing, storage or sale of any goods;
  - iii) the rendering of any service;

- iv) the destruction or treatment of combustible refuse or combustible waste; and
- v) the cultivation or growing of any plant or crop.
- b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- c) any fuel pump or any tank used in connection therewith;
- d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building;

**"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;

**"chief fire officer"** means the person in charge of a Service, or the acting Chief Officer, as contemplated in the Fire Brigade Services Act, Act 99 of 1987;

**"combustible material"** means combustible refuse, combustible waste or any other material capable of igniting;

**"combustible refuse"** means combustible rubbish, litter or material that is discarded, refused, rejected or considered worthless;

**"combustible waste"** means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

**"constitution"** means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

**"controlling authority"** means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 3 and 4 of this By-law;

**"dangerous goods"** means commodities, substances and goods that are capable of posing a significant risk to health and safety or to property or the environment and that are listed in SANS 10228;

**"designated area"** shall mean a place designated as such in terms of Chapter 7;

**"division separating element"** means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

**"emergency evacuation plan"** means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

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

**"emergency vehicle"** means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

**"entertainment and public assembly occupancy"** means a place where people gather to eat, drink, dance or participate in other recreation;

**"escape route"** means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

**"escape route plan"** means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

**"escape door"** means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space, which leads to a street or public place;

**"Fire Brigade Services Act"** means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

**"fire damper"** means an automatic damper and its assembly that complies with the requirements contained in SANS 193;

**"fire door"** means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

**"firework"** has the meaning assigned thereto in the Explosives Act, No. 26 of 1956, as

amended and the Regulations framed in terms thereof and include any article or thing commonly recognized as a firework;

**"fire extinguisher"** means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

**"fire hazard"** means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

**"fire lanes"** means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

**"fire protection system"** means any device or system designed and installed to:

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the Fire Service, or both, to a fire,

but excludes portable and mobile fire extinguishers;

**"fire wall"** means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SANS 10400;

**"flammable gas"** as contemplated in SANS 10228, means a gas that at 20°C and at 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 percentage points, regardless of the lower flammable limit.

**"flammable liquid"** means a liquid or mixtures of liquids or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in SANS 10228:

DANGER GROUP BASED ON FLAMMABILITY		
1	2	3
DANGER GROUP	CLOSED CUP FLASH POINT	INITIAL BOILING POINT
i	-	≤35
ii	<23	>35
iii	≥23 ≤60,5	>35
iv	>60,5 100	>35

**"flammable substance"** means a flammable liquid or a flammable gas;

**"flammable store"** means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-law;

**"Hazardous Substances Act"** means the Hazardous Substances Act, 1973 (Act 15 of 1973);

**"Municipality"** means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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 Manager"** means a person appointed in terms of section 82 of the Municipal Structures Act;

**"Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**"National Building Regulations"** means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and

- a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the municipality;
- b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- c) National Building Regulations (A21) means the provisions regulating the population of a building;
- d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

**"National Road Traffic Act"** means the National Road Traffic Act, 1996 (Act 93 of 1996);

**"non-combustible"** means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5;

**"occupancy"** means the particular use or type of use to which a building or portion thereof is normally put or intended to be put as provided for in the National Building Regulations (A20);

**"occupancy separating element"** means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

**"Occupational Health and Safety Act"** means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

**"operator"** means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

**"owner"** means:

- a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation, provided that such a person is not the owner mentioned in (b); and
- d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

**"peace officer"** shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 (Act 51 of 1997), in respect of persons authorized by the Municipality to enforce the provisions of this By-law;

**"Person in charge"** means:

- a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilization of the installation, provided that such a person is not the person mentioned in (a), and
- d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c) any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

**"population"** means the population determined in accordance with the National Building Regulations (A21);

**"premises"** means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

**"public place"** means any square park, recreation ground or open space which:

- (a) is vested in the Municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

**"public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes:

- a) the verge of any such road, street or thoroughfare;
- b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

**"SANS Codes"** means South African National Standards (SANS) Codes of Practice and Specifications issued in terms of the Standards Act, 1993 (Act 29 of 1993) and includes any reference to SABS Codes;

**"service"** means a fire brigade service as defined in the Fire Brigade Services Act, 1987 (99 OF 1987);

**"site"** means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

**"Standards Act"** means the Standards Act, 1993 (Act 29 of 1993);

**"State"** means:

- a) any department of state or administration in the national, provincial or local sphere of government, or
- b) any other functionary or institution:
  - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
  - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

**"storage vessel"** means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act, 1993 (85 OF 1993);

**"summary abatement"** means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

**"tank"** for purposes of chapter 9 of this By-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

**"this By-law"** includes the Schedules attached to this By-law;

**"underground tank"** means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

**"vehicle"** means a vehicle as defined in the National Road Traffic Act, 1996 (93 OF 1996) and includes the following:

- a) **"road tank vehicle"** means a tank truck, tank trailer or truck-tractor and tank-semi-trailer combination;
- b) **"tank-semi-trailer"** means a vehicle with a tank mounted on it or built as an integral part of it and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- c) **"tank trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;

- d) "tank truck" means a single, self-propelled vehicle with a tank mounted on it;
- e) "truck-tractor" means a self-propelled vehicle used to pull a tank-semi-trailer; and
- f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-law.

## 2. Purpose, scope and application of this by-law

- (1) The purpose and scope of the By-law is -
  - (a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
  - (b) to repeal all existing relevant By-laws of the Municipality; and
  - (c) to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the municipality;
- (2) This By-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.

## CHAPTER 2: ADMINISTRATIVE PROVISIONS

### 3. Administration and enforcement

- (1) The chief fire officer is responsible for the administration and enforcement of this By-law.
- (2) Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the municipal manager is responsible for the administration and enforcement of this By-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the municipal manager is responsible for the administration and enforcement of this By-law.

### 4. Delegation

- (1) A chief fire officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

### 5. Enforcement provisions

- (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:
  - (a) call for the immediate evacuation of the premises;
  - (b) order the closure of the premises until such time as the violation has been rectified;
  - (c) order the cessation of any activity; and
  - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

### 6. Authority to investigate

Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

### 7. Failure to comply with provisions

- (1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the circumstances as provided for in section 5(2), a written notice, including



the following, must be issued:

- (a) confirmation of the findings;
  - (b) provisions of this By-law that are being contravened;
  - (c) the remedial action required; and
  - (d) the time within which the notice must be complied with.
- (2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.
- (4) Notwithstanding the provisions contained in subsection (1), a spot fine may be issued when a controlling authority finds that there is non-compliance with the provisions of this By-law.

#### **8. Denial, suspension or revocation of an approval or a certificate**

A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-law for:

- (a) failure to meet the provisions of this By-Law for the issuance of the approval or certificate, or
- (b) non-compliance with the provisions of the approval or certificate.

#### **9. Records required**

The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

#### **10. Charges**

- (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

#### **11. Indemnity**

The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of bodily injury, loss of life or loss of or damage to property or financial loss, which is caused by or arises out of or in connection with anything done or performed in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this By-law.

#### **12. Reporting a fire hazard and other threatening danger**

An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the controlling authority.

### **CHAPTER 3: FIRE PROTECTION OF BUILDINGS**

#### **13. General**

The controlling authority in terms of section 4 (3) or section 6 (1) of this By-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

#### **14. Access for emergency vehicles**

- (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the

provisions in the National Building Regulations (T1), may be required to comply with the following:

- (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
  - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
  - (c) Fire lanes must be provided for all premises which are set back more than forty-five (45) metres from a public road or exceed nine (9) metres in height and are set back over fifteen (15) metres from a public road.
  - (d) Fire lanes must be at least four (4) metres in width, the position of which must be decided upon after consultation with the controlling authority and the area from ground level to a clearance height of four (4) metres above the fire lane must remain unobstructed.
  - (e) A cul-de-sac that is more than ninety (90) metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
  - (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

#### **15. Division and occupancy separating elements**

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

#### **16. Fire doors and assemblies**

- (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions:
  - (a) altering the integrity, insulation or stability of a particular class of door;
  - (b) disconnecting the self-closing mechanism;
  - (c) wedging, blocking or obstructing the door so that it cannot close;
  - (d) painting the fusible link actuating mechanism of a door;
  - (e) disconnecting or rendering less effective an electric or electronic release mechanism; or
  - (f) any other action that renders a fire door or assembly less effective.

#### **17. Escape routes**

- (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

#### **18. Tents**

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must:

- (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent, and
  - (b) submit an application in terms of the section 23(4) of this By-law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following:
- (a) The tent must be erected at least 4.5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
  - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4.5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
  - (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:
    - (i) where the population of a tent exceeds twenty-five (25) people;
    - (ii) where a tent is occupied during the hours of darkness;
    - (iii) for seating arrangements and aisle dimensions; and
    - (iv) for the provisions of fire extinguishers.
  - (d) The population density of a tent must comply with the National Building Regulations (A21).
  - (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be out in a separate tent or an area to which the public does not have access.
  - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
  - (g) No open fire or flame is permitted within five (5) metres of a tent, stake or guideline of a tent.
  - (h) Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SANS 1186: Part 1.
  - (i) Lighting and wiring installed in a tent must comply with the requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfill additional requirements for the erection and usage of a tent.

#### CHAPTER 4: FIRE SAFETY EQUIPMENT

##### 19. Fire extinguishers

- (1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SANS 1573 and SANS 10105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of permit or certificate mentioned in subsection (3).
- (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit

or certificate.

(6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

(8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

## **20. Testing and maintenance of fire protection systems**

(1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test and where applicable the parties who monitor the fire protection system.

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognized national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding and where the person in charge has received such notice, he must without delay inform the owner accordingly.

(6) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.

(7) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

## **21. Interference with and access to fire protection systems and fire extinguishers**

A person is not permitted to render less effective, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

## **22. Fire alarms and fire hydrants**

(1) Without compensation to the owner of the premises concerned, the controlling authority may cause:

- (a) a fire alarm;
- (b) a transmission instrument for calls of fire or other emergency; or
- (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.

(2) Without compensation to the owner of the premises, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.

(3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.

- (4) An unauthorized person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

## CHAPTER 5: PUBLIC SAFETY

### 23. Prevention and control of overcrowding

- (1) Prior to the usage of a premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 1 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding thirty (30) calendar days.
- (5) The controlling authority must refuse to issue a temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 5(2) or 6(1) and section 7 of this By-law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

### 24. Attendance of a service

- (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 10 of this By-law.

### 25. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of twenty-five (25) persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other

than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(3) The plan mentioned in subsection (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.

(4) The emergency evacuation plan must be tested in its entirety at a minimum of six monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.

(5) The register mentioned in subsection (4) must contain the following information:

- (a) the date and time of the test;
- (b) the number of participants;
- (c) the outcome of the test and any corrective actions required; and
- (d) the name and signature of the person supervising the test.

(6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.

(7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

#### **26. Displaying of escape route plans**

(1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

(2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

#### **27. Barricading of vacant buildings**

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

### **CHAPTER 6: HOUSEKEEPING**

#### **28. Combustible waste and refuse**

(1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

#### **29. Dust**

The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

#### **30. Combustible or flammable substances and sweeping compounds**

(1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

**31. Accumulations in chimneys, flues and ducts**

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

**32. Sources of Ignition**

- (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

**33. Smoking**

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SANS 1186: Part 1.
- (2) A person may not remove a "No Smoking" sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

**34. Electrical fittings, equipment and appliances**

- (1) A person may not cause or permit an electrical supply outlet to be overloaded.
- (2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

**35. Flame-emitting device**

A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

**CHAPTER 7: FIRE HAZARDS****36. Combustible material**

- (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises or even may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

**37. Lighting of fires and burning of combustible material**

- (1) The lighting of fires and the disposal of combustible material by burning are prohibited.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Before the owner or person in charge of a farm or small holding, or an organ of state controlling non-proclaimed residential areas may dispose of combustible material by burning, and before making an application in writing for approval from the controlling authority, prior approval must be obtained in terms of the applicable legislation set out in Schedule 3.

**38. Fireworks**

- (1) No person may use or discharge any fireworks unless he or she is in possession of a permit authorizing such use, issued by an inspector in the manner prescribed by the Explosives Act, Act 15 of 2003.
- (2) The Municipality may designate:
  - (a) any Public Open Space; or
  - (b) on the application of the owner or lawful occupier, any Private Open Space as defined in the Zoning Regulations of the Blue Crane Route Municipality or its legal predecessors as the only place at which fireworks may be discharged, and further the Municipality may impose conditions as to the dates on which and/or periods of time and/or hours when such discharge may take place and further may impose conditions as to the manner of discharge.
- (2) No person may discharge any firework outside an area designated by the Municipality.

**39. Designated Areas**

The Municipality may, by annually publishing notices in at least 3 newspapers circulating in its area of jurisdiction, designate places as places where legally permitted fireworks as defined in the Explosives Act, Act 15 of 2003 and the regulations framed thereunder, may be discharged.

**CHAPTER 8: FLAMMABLE SUBSTANCES****40. Application of this Chapter**

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

**41. Storage and use of a flammable substances**

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above



ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.

- (6) Unless a flammable substance certificate has been obtained from the controlling authority, the owner or person in charge of premises may not store or use:
- (a) a flammable gas in excess of 19kg; or
  - (b) a flammable liquid of a danger group (i), (ii) or (iii) in excess of 200 litres.

#### **42. Application for a flammable substances certificate**

- (1) The owner or person in charge of premises, who requires a flammable substance certificate mentioned in section 41(6), must submit an application to the controlling authority as prescribed in the Schedule 1 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 41(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 41(5) applies.
- (5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 5(2) or 6(1) and section 7 of this By-law.
- (6) Notwithstanding subsection (5), a flammable substance is stored or utilized for any process in a manner which is hazardous to life or property, or an installation is unauthorized, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (8) A flammable substance certificate is valid only:
- (a) for the installation for which it was issued;
  - (b) for the state of the premises at the time of issue; and
  - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

#### **43. Permanent or temporary above ground storage tank for a flammable liquid**

- (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:
- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
  - (b) to be on the premises for a period not exceeding six months;
  - (c) the entire installation must comply with SANS 0131: Part 2; and
  - (d) written application together with a plan must be forwarded to the controlling authority at least fourteen (14) days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding section 41(1), if a larger capacity above ground storage tank is required or

the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).

(4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognized codes.

(5) The rated capacity of a permanent or temporary tank must provide sufficient spillage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

(6) A permanent or temporary tank must be erected at least 3.5 metres from boundaries, buildings and other flammable substances or combustible materials.

(7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.

(8) A permanent or temporary tank must have a bund wall.

(9) Adequate precautions must be taken to prevent spillage during the filling of a tank.

(10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.

(11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.

(12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.

(13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.

(14) The electrical installation associated with an above ground storage tank must comply with SANS 10108.

#### **44. Underground storage tank for a flammable liquid**

The design requirements and construction of an underground storage tank must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.

#### **45. Bulk storage depot for flammable substances**

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read with SANBS 089: Part 1.

#### **46. Small installations for liquefied petroleum gas**

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

#### **47. Bulk storage vessel for liquid petroleum gas**

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

#### **48. Termination of the storage and use of flammable substances**

(1) If an above ground 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 was erected must:

(a) within seven (7) days of the cessation, notify the controlling authority in writing thereof;

(b) within thirty (30) days of the cessation, remove the flammable substance from the installation and render it safe;

(c) within six (6) months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs; and

(d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven (7) days of the completion

of the removal of the installation.

(2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

#### 49. Reporting accidents

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

#### 50. Flammable stores

(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

(3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400:

- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance;
- (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5m<sup>2</sup> of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (c) The airbricks must be covered both internally and externally with closely woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
- (d) The wire gauze must be held in position by metal straps, a metal frame or cement.

(5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:

- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
- (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least one metre above roof height or at least 3.6 metres above ground level, whichever is the greater;
- (c) ducting material that is external to the store, but communicates with the remainder of the building must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
- (d) the ducting must be as short as possible and must not have sharp bends.

(6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.

(7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.

(8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.

(9) No other electrical apparatus may be installed in the flammable store.

(10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipe-work leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.

(11) Racking or shelving erected in the flammable store must be of non-combustible material.

(12) The flammable store must be identified by the words "Flammable Store – Bewaarplek vir Vlambare Vloeistowwe – Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.

(13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.

(14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.

(15) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.

(16) Any hand tool used in the flammable store must be intrinsically safe.

(17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:

- (a) within seven (7) days of the cessation, notify the controlling authority in writing thereof;
- (b) within thirty (30) days of the cessation, remove the flammable substance from the flammable store and render it safe; and
- (c) within thirty (30) days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

#### **51. Container handling and storage**

(1) All flammable substance containers must be kept closed when not in use.

(2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.

(3) Flammable liquid containers must be labeled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.

(4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.

(5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.

(6) An empty flammable liquid container must be placed in a flammable store.

(7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open, provided that:

- (a) The storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger.
- (b) The storage area is well ventilated and enclosed by a wire mesh fence and:
  - (i) the fence supports are of steel or reinforced concrete;
  - (ii) has an outward opening gate that is kept locked when not in use; and
  - (iii) when the floor area exceeds 10m<sup>2</sup> an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key.
- (c) The storage area is free of vegetation and has a non-combustible firm level base.
- (d) A two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials.
- (e) When the storage area has a roof, the construction of the roof and supporting

- structure must be of non-combustible material.
- (f) Open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SANS 1186: Part 1.
  - (g) Firefighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

#### 52. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act and also comply with the requirements of Schedule 1 (F).

#### 53. Liquid petroleum gas containers

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087: Part 1 and SANS 10019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine (9) kilogram must be filled and stored in accordance with SANS 10087: Part 7.

### CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS

#### 54. Dangerous goods certificate

- (1) Notwithstanding anything contained in the National Road Traffic Act or any SANS Code, the operator of a roadworthy vehicle designed for the transportation of dangerous goods may not operate such a vehicle, unless he has obtained a dangerous goods certificate from the controlling authority.
- (2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 1 (D) of this By-law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SANS 10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1) as well as the dangerous goods certificate.
- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 5(2) or 6(1) and section 7 of this By-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).
- (9) A dangerous goods certificate is valid only:
  - (a) for the vehicle for which it was issued;
  - (b) for the state of the vehicle at the time of issue; and
  - (c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.

(11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

#### CHAPTER 10: GENERAL PROVISIONS

##### 55. State Bound

This By-law binds the State and any person in the service of the State.

##### 56. Offences and penalties

(1) Any person who:

- (a) contravenes any of the provisions of this By-law or fails to comply therewith; or
- (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith,

is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.

(2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.

(3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

(4) Notwithstanding the penalties as prescribed in the Fire Brigade Services Act, a controlling authority may also impose an admission of guilt fine to anyone who contravenes this by-law.

##### 57. Repeal of laws and savings

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

##### 58. Short title and Commencement

This By-law is called the Blue Crane Route Municipality: Community Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

**SCHEDULE 1****FORMS**

- A. POPULATION CERTIFICATE
- B. FLAMMABLE SUBSTANCE CERTIFICATE APPLICATION
- C. FLAMMABLE SUBSTANCE CERTIFICATE
- D. DANGEROUS GOODS CERTIFICATE APPLICATION
- E. DANGEROUS GOODS CERTIFICATE
- F. CONSTRUCTION OF SPRAY BOOTHS

A. POPULATION CERTIFICATE

**BLUE CRANE ROUTE MUNICIPALITY  
FIRE & EMERGENCY SERVICES**

**APPLICATION FOR APPROVAL OF A ROOM FOR USE AS A PLACE OF ASSEMBLY OR  
CONGREGATION FOR PURPOSES OF RECREATION OR ENTERTAINMENT**

NAME OF OWNER: .....

POSTAL ADDRESS:.....  
.....  
.....

NAME BY WHICH ROOM IS COMMONLY KNOWN: .....

STREET ADDRESS OF PREMISES  
.....  
.....

.....  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**FOR OFFICE USE ONLY**

CERTIFICATE AND ..... COPIES, ANNEXURE "A" AND ANNEXURE "B" RECEIVED BY:

NAME: .....

CAPACITY: .....

DATE: .....

SIGNATURE: .....

1. TOTAL FLOOR AREA INCLUDING ANY STAGE OR PLATFORM: .....M<sup>2</sup>

2. NUMBER OF FIXED SEATS:.....

3. NUMBER OF EXIT DOORS: ..... TOTAL WIDTH: .....

4. MAXIMUM NUMBER OF PERSONS PERMITTED: .....

DATE APPROVED: .....

APPROVING OFFICER: .....

NUMBER OF CERTIFICATES ISSUED: .....

**CALCULATIONS**

1. FLOOR AREA                      LENGTH (M) X BREADTH (M) = AREA M<sup>2</sup>

= ..... X .....

2. POPULATION                      = NUMBER OF FIXED SEATS OR ONE (1) PER M<sup>2</sup> IF NO FIXED SEATS

3. NUMBER OF AVAILABLE EXITS (TOTAL) .....M. WIDTH OF DOORS ..... X 1.2 =

**PROPORTION A**

PROPORTION A + PROPORTION A1, A2, A3 ETC. = PROPORTION B

IF GROUND FLOOR                      :                      PROPORTION B X 100 = POPULATION A

..... X 100 = .....



	IF ANY OTHER FLOOR :	..... X 84 = .....
4.	UNITS OF EXIT WIDTH WIDTH OF DOOR .....	MM
		TOTAL COMPLETE UNITS OF EXIT X 40 = .....
5.	AVERAGE POPULATION: A (OR A1) + B + 2 =	
		..... + ..... + 2 =

B. APPLICATION FOR A FLAMMABLE SUBSTANCES CERTIFICATE

**BLUE CRANE ROUTE MUNICIPALITY  
APPLICATION FOR PERMISSION TO STORE FLAMMABLE LIQUID**

*THIS FORM TO BE FILLED IN AND FORWARDED TO THE DIRECTOR: FIRE & EMERGENCY SERVICES,  
BLUE CRANE ROUTE MUNICIPALITY*

NAME OF APPLICANT

.....  
*(If a firm, state name in full. If a company, state name of company and its secretary)*

ADDRESS

.....  
.....

LOCATION OF PREMISES FOR WHICH PERMISSION IS REQUIRED

.....  
.....

PERMISSION IS REQUIRED FOR PETROL AND/OR PARAFFIN

.....  
.....  
*(State which is required and maximum quantity in litres of each)*

PURPOSE FOR WHICH THE FLAMMABLE LIQUID IS TO BE KEPT

.....  
.....  
.....

.....  
SIGNATURE OF APPLICANT

.....  
CAPACITY

POSTAL ADDRESS

.....

DATE .....

C. FLAMMABLE SUBSTANCE CERTIFICATE

**BLUE CRANE ROUTE MUNICIPALITY**

**LICENCE TO STORE FLAMMABLE LIQUID**

PERMISSION IS HEREBY GRANTED TO .....

OF .....

TO STORE THE FOLLOWING .....

AT .....

*FROM THIS DATE UNTIL 31 DECEMBER....., SUBJECT TO THE FLAMMABLE LIQUID BEING STORED TO THE SATISFACTION OF THE AUTHORISED OFFICER IN COMPLIANCE WITH THE REGULATIONS FOR CONTROLLING AND REGULATING THE KEEPING, CONVEYANCE, STORAGE AND USE OF FLAMMABLE LIQUID.*

**THIS LICENCE MUST BE RENEWED ON OR BEFORE THIS 1<sup>ST</sup> DAY OF DECEMBER**

DATED THIS ..... DAY OF .....

.....  
MANAGER

D. APPLICATION FOR A DANGEROUS GOODS CERTIFICATE

<b>FOR OFFICIAL USE ONLY</b>		<b>BLUE CRANE ROUTE MUNICIPALITY</b>	
APPLICATION NO.: .....			
FILE NO.: .....			
<b>DANGEROUS GOODS CERTIFICATE APPLICATION</b>			
Application for a dangerous goods certificate in terms of Section 54(2) of the Community Fire Safety By-Law			
<b>ADDRESS OF OPERATOR</b>			
NAME OF OPERATOR:			
TRADING AS:			
ERF NO.:			
STREET ADDRESS:			
SUBURB:			
CITY:		CODE:	
<b>LOCATION OF VEHICLE</b>			
ERF NO.:			
STREET ADDRESS:			
SUBURB:			
CITY:		CODE:	
<b>DETAILS OF VEHICLE FOR WHICH A CERTIFICATE OF REGISTRATION IS REQUIRED</b>			
TYPE OR CLASS OF VEHICLE:			
REGISTRATION NO.:			
TARE:			
LOAD:			
MAKE:			
NUMBER OF TANKS:			
CAPACITY OF TANKS:			
YEAR OF MANUFACTURE OF TANK:			
ENGINE NO.: (IF APPLICABLE)			
CHASSIS NO.:			
QUANTITY OF FLAMMABLE SUBSTANCE TO BE CONVEYED:			
FLAMMABLE LIQUID:			
FLAMMABLE GAS:			
REMARKS:			
OPERATOR (SIGNATURE):			
ADDRESS:		PRINT NAME:	
TELEPHONE NO.:			
FOR CONTROLLING AUTHORITY (SIGNATURE):			

<b>FOR OFFICIAL USE ONLY</b>	
A CERTIFICATE FEE OF R ..... IS PAYABLE TO THE BLUE CRANE ROUTE MUNICIPALITY IN RESPECT OF THIS APPLICATION AND THE SUBSEQUENT INSPECTION.	
SIGNATURE OF RECEIVING OFFICIAL: .....	DATE: .....
NAME OF RECEIVING OFFICIAL: .....	DESIGNATION: .....

E. DANGEROUS GOODS CERTIFICATE

<b>FOR OFFICIAL USE ONLY</b> APPLICATION NO.: ..... FILE NO.: .....	<b>BLUE CRANE ROUTE MUNICIPALITY</b>
<b>DANGEROUS GOODS CERTIFICATE</b> Dangerous goods certificate in terms of Section 54(1) of the Community Fire Safety By-Law	
THIS IS TO CERTIFY THAT THE VEHICLE, PARTICULARS OF WHICH ARE GIVEN BELOW, HAS BEEN EXAMINED AND FOUND TO COMPLY WITH THE RELEVANT SECTIONS SANS 10087: PART 4, SANS 10089: PART 1, SANS 1398 AND SANS 1518 FOR THE CONVEYANCE OF FLAMMABLE LIQUIDS OR LIQUEFIED FLAMMABLE GAS IN TANKS EACH WITH A TOTAL CAPACITY OF ..... LITRES WITHIN THE LIMITS OF THE MUNICIPAL AREA AND SUBJECT TO ALL APPLICABLE LEGISLATION.	
<b>DETAILS OF OPERATOR</b>	
NAME OF OPERATOR:	
TRADING AS:	
STREET ADDRESS:	
SUBURB:	
CITY:	CODE:
<b>DETAILS OF VEHICLE</b>	
TYPE OR CLASS OF VEHICLE:	
REGISTRATION NO.:	
TARE:	
LOAD:	
MAKE:	
NUMBER OF TANKS:	
CAPACITY OF TANKS:	
YEAR OF MANUFACTURE OF TANK:	
ENGINE NO.: (IF APPLICABLE)	
CHASSIS NO.:	
QUANTITY OF FLAMMABLE SUBSTANCE TO BE CONVEYED:	
FLAMMABLE LIQUID:	
FLAMMABLE GAS:	
THIS CERTIFICATE OF REGISTRATION IS NOT A WARRANTY OF FITNESS OF THE VEHICLE HEREIN DESCRIBED AND ANY OPERATOR, DRIVER OR PERSON INTERESTED SHOULD SATISFY THEMSELVES AS TO THE ROADWORTHINESS, CONSTRUCTION AND CONDITION OF THE AFOREMENTIONED VEHICLE.	
THIS CERTIFICATE IS ISSUED BY THE BLUE CRANE ROUTE MUNICIPALITY AND IS VALID UNTIL .....	
DATE OF RENEWAL .....	
DATE OF EXPIRY .....	
CONTROLLING AUTHORITY (SIGNATURE) .....	DATE OF ISSUE .....
NAME OF ISSUING OFFICIAL (PRINT NAME) .....	DESIGNATION .....

## F. CONSTRUCTION OF SPRAY BOOTHS

<b>BLUE CRANE ROUTE MUNICIPALITY</b>	
<b><u>SPRAY BOOTH CONSTRUCTION</u></b>	
WALLS	225mm Brickwork.
ROOF	Reinforced concrete.
FLOOR	Concrete or other impervious material.
DOORS	(A) Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.
	(B) Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
NOTE	Where the floor area exceeds 18 sq. metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
NOTE	The Factory Inspector requires natural light to the extend of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centers or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
NOTE	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm asbestos cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than two (2) metres.
<b><u>MINIMUM</u></b>	<b><u>NO. OF</u></b>
<b><u>AIRBRICKS</u></b>	<b><u>SIZE OF ROOM</u></b>
40	Up to but not exceeding 140 cubic metres.
65	Up to but not exceeding 280 cubic metres.
90	Up to but not exceeding 470 cubic metres.
150	Up to but not exceeding 650 cubic metres.
NOTE: Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.	
ELECTRICAL WORK	All electrical work must be of flame-proof construction.
DANGER NOTICE	"DANGER – NO SMOKING" notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

## SCHEDULE 2

APPLICABLE LEGISLATION

With reference to section 37(4):

TITLE	NUMBER
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

## SCHEDULE 3

SANS CODES OF PRACTICE AND SPECIFICATIONS

SANS CODE	TITLE
SANS 10019	Portable metal containers for compressed gas basic design, manufacture, use and maintenance.
SANS 10087: 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 500 litre and a combined water capacity not exceeding 3 000 litre per installation.
SANS 10087: 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 5 000 litres.
SANS 10087: 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.
SANS 10087: 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 9kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10105: Part 1	The classification, use and control of firefighting equipment, Part 1: Portable fire extinguishers.
SANS 10108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SANS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SANS 10142	The wiring of premises.
SANS 10177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SANS 193	Fire dampers.
SANS 10228	The identification and classification of dangerous substances and goods.



SANS CODE	TITLE
SANS 10230	Transportation of dangerous goods - Inspection requirements for road vehicles.
SANS 10232 : Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SANS 10400	The application of the National Building Regulations.
SANS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SANS 1253	Fire doors and fire shutters.
SANS 1398	Road tank vehicles for flammable liquids.
SANS 1475: Part 1	The production of reconditioned firefighting equipment, Part 1: Portable rechargeable fire extinguishers.
SANS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SANS 1571	Transportable rechargeable fire extinguishers.
SANS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

No. 261

**BLUE CRANE ROUTE MUNICIPALITY  
CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAW**

Under section 156 of the Constitution of the Republic of South Africa, 1996, section 6 of the Property Rates Act, 2004 (Act 6 of 2004), and section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the Blue Crane Route Municipality, enacts as follows:-

**TABLE OF CONTENTS**

1. Definitions
- CHAPTER 1: CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION**
2. Customer care principles, and objectives
  3. Municipal manager responsible officer
  4. Differentiation between customers and exemption
- CHAPTER 2: SUPPLY OF MUNICIPAL SERVICES**
- Part 1: Application for supply and service agreements, deposits, billing and payment, and termination of service agreements*
5. Application for supply of municipal services and service agreements
  6. Deposits
  7. Billing and payment
  8. Termination of service agreement
- Part 2: Non-payment of municipal accounts*
9. Arrangements for payments
  10. Interest on overdue municipal accounts
  11. Debt collection mechanisms
- Part 3: Metering equipment and metering of services*
12. General provisions
  13. Metering equipment and measuring of consumption
  14. Resale of water or electricity
- Part 4: Indigence relief measures*
15. Requirements for indigence relief
  16. Credit given
- CHAPTER 3: TARIFFS**
- Part 1: General principles, calculation of tariffs for major services*
17. General principles
  18. Calculation of tariffs for major services
- Part 2: Structure of tariffs for major services, minor tariffs*
19. Structure of tariffs
  20. Electricity
  21. Water
  22. Refuse removal
  23. Sewerage
  24. Minor tariffs
- CHAPTER 4: RATES**
25. Imposition of rates
  26. Rebates on rates
  27. Adjustment of rates
  28. Frequency of valuations

## CHAPTER 5: ENFORCEMENT

29. Municipality's powers to restrict or disconnect supply of services
30. Tampering, unauthorised connections and reconnections, and improper use
31. Clearance certificate
32. Tenders and grants-in-aid
33. Power of council to recover costs
34. Prima facie evidence
35. Abandonment of bad debts, and full and final settlement of account
36. Power of entry and inspection
37. Authentication and service of orders, notices and other documents

## CHAPTER 6: MISCELLANEOUS PROVISIONS

38. Right of appeal
39. Offences and penalties
40. Repeal of by-laws
41. Short title and commencement

## 1. Definitions

For the purposes of this by-law, unless the context otherwise indicates –

“**account holder**” means any person who is due to receive a municipal account, which includes a user of pre-paid electricity or water;

“**annual budget**” means the budget approved by the municipal council for any particular financial year, and includes any adjustments to such budget;

“**applicant**” means a person who applies for the supply of municipal services;

“**availability charge**” means a fixed monthly or annual charge levied against the account holder which is based on the cost for providing a municipal service to the premises of the account holder;

“**billing**” means invoicing on a municipal account to an account holder of an amount or amounts payable for rates, metered services, other municipal charges, levies, fees, fines, taxes, or any other amount or amounts payable arising from any other liability or obligation;

“**consumer**” means the occupier of any premises to which the municipality has agreed to supply or is actually supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with the municipality for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises, and “**domestic consumer**” or “**domestic user**” of municipal services means the person or household to which municipal services are rendered in respect of residential property;

“**consumer price index**” means the consumer price index (CPIX) as determined and gazetted by the South Bureau of Statistics;

“**Council**” means the Council of the Blue Crane Route Municipality (or any service provider to the municipality);

“**credit control**” means all the functions relating to the collection of revenue;

“**customer management**” means the focusing on the account holder's needs in a responsive and proactive way to encourage payment and thereby limiting the need for enforcement;

“**customer service centre**” means and serves as –

- (a) an office where an applicant may apply for services and enter into a service agreement with the municipality;
- (b) an office where an account holder may settle an account or may make pre-payment for services;

- (c) a credit screening point where the credit assessment of an applicant can be processed; or
- (d) an office where an account holder may query or verify accounts and metered consumption, and may communicate grievances, inquiries, recommendations and other relevant issues to the municipality and from where the response from the municipality can be conveyed to the account holder;
- "due date"** means the date specified as such on a municipal account for any charges payable and which is the last day allowed for the payment of such charges;
- "interest"** means an amount calculated at a rate determined by the municipality on a municipal account in arrears;
- "land reform beneficiary"**, in relation to a property, means a person who –
- (a) acquired the property through the provision of the Land and Assistance Act, 1993 (Act 126 of 1993);
- (b) acquired the property through the provision of the Restitution of Land Rights Act, 1994 (Act 22 of 1994);
- (c) holds the property subject to the Communal Property Associations Act, 1996 (Act 29 of 1996); or
- (d) holds or acquires the property in terms of such other land tenure reform legislation as may be enacted;
- "local community"** or **"community"**, in relation to the municipality, means that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic, non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality;
- "major services"** means those services contemplated in section 17(5);
- "market value"** in relation to a property means the value of the property as determined in accordance with section 46 of the Property Rates Act, 2004 (Act 6 of 2004);
- "minor tariffs"** means all tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of services, other than major services provided, and includes services incidental to the provision of the major services.
- "month"** means one of 12 months of a calendar year;
- "municipal account"** means an account rendered on which is billed an amount or amounts payable to the municipality for rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation;
- "municipal entity"** means-
- (a) a private company referred to in section 86B (1) (a) of the Municipal systems Act, Act 32 of 2000;
- (b) a service utility; or
- (c) a multi-jurisdictional service utility;
- "municipality"** means the Municipality of Blue Crane Route, 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, municipality or, agent or employee;
- "municipal manager"** is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, 1998 and includes any person:

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

**“municipal property”** includes a property owned by a municipal entity;

**“multiple purposes”**, in relation to a property, means the use of a property for more than one purpose;

**“municipal service”** means a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether-

- (a) such a service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 of the Municipal Systems Act, 2000 or by engaging an external mechanism contemplated in the said section 76; and
- (b) fees, charges or tariffs are levied in respect of such a service or not;

**“municipal tariff”** means a tariff for services which the municipality sets for the provision of a service to the local community, such as a tariff set for major services or a minor tariff, and includes a surcharge on such service;

**“occupier”** means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes –

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

(d) any person having the charge or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his or her whereabouts are unknown; and

(e) the owner of those premises;

**“officer”** means an employee of the municipality or any other person who is specifically authorised thereto by the municipality to perform any act, function or duty in terms of, or exercise any power under this by-law;

**“organ of state”** means an organ of state as defined in section 239 of the Constitution;

**“owner”** means –

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

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

(f) any legal person including, but not limited to –

(i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Closed Corporation's Act, 1984 (Act 69 of 1984), a voluntary association;

(ii) any Department of State;

(iii) any council or Board established in terms of any legislation applicable to the Republic of South Africa; and

(iv) any Embassy or other foreign entity; and

(g) a lessee of municipal property who is deemed to be the owner for the purposes of rendering a municipal account;

**“owner”**, in relation to –

(a) a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;

(b) a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;

(c) a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; and

(d) public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, however, the municipality may, for the purposes of the Property Rates Act, 2004 (Act 6 of 2004), regard as the owner of a property –

(i) in the case of a property in a trust, but excluding state trust land, a trustee,;

(ii) in the case of a property in a deceased estate, an executor or administrator;

(iii) in the case of a property in an insolvent estate or in liquidation, a trustee or liquidator;

(iv) in the case of a property in the estate of a person under judicial management, a judicial manager;

(v) in the case of a property in the estate of a person under curatorship, a curator;

(vi) in the case of a property that is subject to a usufruct or other personal servitude, a person in whose name a usufruct or other personal servitude is registered;

(vii) in the case of a property that is registered in the name of the municipality and is leased by it, a lessee; and

(viii) in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer, a buyer;

**“permitted use”**, in relation to a property, means the limited purposes for which the property may be used in terms of any restrictions imposed by a condition of title, a provision of the municipality's town planning or land use scheme, or any legislation applicable to any specific property or properties, or any alleviation of any such restrictions;

**“person”** includes a legal person and an organ of state;

**“preferred customer”** means a person who may be granted special concessions by the municipality;

**“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 Land Survey, Act of 1927 (Act 9 of 1927), or in terms of the Deeds Registry, Act of 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 93 of 1986), which is situated within the area of jurisdiction of the municipality;
- (c) and includes any other land and any building or structure above or below the surface of any land;

**“property”** means –

- (a) immovable property registered in the name of a person, including in the case of a sectional title scheme a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation, such as a “land reform beneficiary”; and
- (d) public service infrastructure;

**“publicly controlled”** means owned by or otherwise under the control of an organ of state, including a public entity listed in the Public Finance Management Act, 1999 (Act 1 of 1999), a municipality, or a municipal entity;

**“public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme servicing the public;
- (c) power stations, power sub-stations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuel forming part of the scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges and lines forming part of a communication system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, seawalls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed by law; and
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i);

**“rate”** means a municipal rate on property as envisaged in section 229(1)(a) of the Constitution;

**“rateable property”** means property on which the municipality may in terms of section 2 of the Property Rates Act, 2004, levy a rate, but excludes property fully excluded from the levying of rates in terms of section 17 of that Act, but includes any rights registered against such property, with the exception of a mortgage bond;

**“ratepayer”** means a person who is liable to the municipality for the payment of rates on property in the municipality, any other tax, duty or levy imposed by the municipality, or fees for services provided either by the municipality or in terms of a service delivery agreement, or a combination of the above;

“**rebate**”, in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Property Rates Act, 2004 on the amount of the rate payable on the property;

“**residential property**” means a property included in the valuation roll as residential in terms of section 48(2)(b) of the Property Rates Act, 2004;

“**revenue**” means all monies due to the municipality and to which the municipality has the right to exact and to enforce payment of, irrespective of the reason for or the origin of its factuality;

“**sectional title scheme**” means a scheme as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

“**sectional title unit**” means a unit as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

“**state trust land**” means land owned by the state and held in trust for persons communally inhabiting the land in terms of a traditional system of land tenure, over which land tenure rights have been registered or granted, or which is earmarked for disposal in terms of the Restitution of Land Rights, 1994 (Act 22 of 1994);

“**tampering**” means any unauthorised interference with the municipality’s supply, seals and metering equipment and “**tamper**” has a corresponding meaning;

“**target**” means realistic targets which may be set by the municipality ; and

“**tariffs for major services**” means tariffs set for the supply and consumption or usage of major services;

“**unreliable customer**” includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payments due to council or who tampers or interferes with metering equipment, seals or the supply of municipal services.

## CHAPTER 1

### CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION

#### 2. Customer care principles, and objectives

##### (1) The municipality aims –

- (a) to move progressively towards the social and economic upliftment of the community in harmony with its natural environment;
- (b) to provide basic services that are affordable to all its people, and specifically to the poor and disadvantaged, provided that, where applicable, service fees, rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable, arising from any other liability or obligation, are paid for;
- (c) to engage the active participation of the community in the municipality’s affairs, in particular in planning, service delivery and performance management;
- (d) to provide efficient, effective and transparent administration that conforms to constitutional principles;
- (e) to ensure that the municipality is financially and economically viable; and
- (f) to create a harmonious relationship between the municipality and the community through the acknowledgement of reciprocal rights and duties;



- (2) The municipality by this by-law, designs, regulates on and implements a customer care and management system as contemplated in section 95 of the Municipal Systems Act.

**3. Municipal manager responsible officer**

The Municipal Manager –

- (a) is responsible to the Executive Mayor for the implementation and enforcement of the provisions of this by-law;
- (b) must, for the purposes of paragraph (a) take the necessary steps to implement and enforce the provisions of this by-law;
- (c) is accountable to the Executive Mayor for the agreed performance targets as approved by the municipality and the Executive Mayor, and for these purposes must –
- (i) report to the Executive Mayor on matters relating to this by-law, including but not limited to –
- (aa) the effectiveness of administrative mechanisms, resources processes and procedures to collect money that is due and payable to the municipality;
- (bb) billing information, including the number of account holders, accruals, cash-flow, and customer management;
- (cc) the satisfaction levels of account holders regarding services rendered; and
- (dd) the effectiveness of the municipality's indigence relief measures; and
- (ii) encourage and bear on account holders, where needed, to settle outstanding accounts within the ambit of this by-law; and
- (iii) with the consent of an account holder, enter into an agreement with the account holder's employer to deduct from the salary or wages of the account holder –
- (aa) any outstanding amounts as may be agreed; or
- (bb) such regular monthly amounts as may be agreed, and may provide special incentives for employers to enter into such agreements, and employees to consent to such agreements.

**4. Differentiation between customers and exemption**

- (1) In accordance with the principles embodied in the Constitution and the provisions of sections 6 and 8 of the Property Rates Act, 2004, and sections 74(3) and 75 of the Local Government: Municipal Systems Act, 2000, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies, categories of ratepayers, account holders, customers, debtors, taxes, services, service standards and other matters, however, such differentiation must at all times be reasonable, and must be fully disclosed in each annual budget.
- (2) The municipality may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if the application or operation of that provision would be unreasonable, however the municipality or its authorised agent may not grant exemption from any section of this by-law that may result in –
- (a) the wastage or excessive consumption of water or electricity;
- (b) the evasion or avoidance of water or electricity 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 acceptable in terms of the municipality's prescribed standard; or
  - (f) any Act, or any regulation made under it, not being complied with.
- (3) The municipality or its authorised agent may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

## CHAPTER 2 SUPPLY OF MUNICIPAL SERVICES

### *Part 1*

#### *Application for supply and service agreements, credit screening, deposits, billing and payment, and termination of service agreements*

##### **5. Application for supply of municipal services and service agreements**

- (1) Any application for any supply of services to any premises must be made at the municipal offices at least four working days, or such lesser period as may be accepted by the municipality, prior to the service being required and must comply with the conditions determined by the Municipal Manager.
- (2) After the commencement of this by-law only the owner of a property or his or her duly authorised agent on his or her behalf may apply for municipal services to be supplied to a property.
- (3) No services shall be supplied unless and until application has been made by the owner and a service agreement in the format prescribed by the municipality has been entered into and a deposit provided for in section 6 has been paid.

##### **6. Deposits**

- (1) On approval of the application and before the service is made available, the municipality may require the applicant –
- (a) to deposit for municipal services with the municipality a sum of money;
  - (b) to provide any other form of security; or
  - (c) to agree to special conditions regarding payment of the municipal account,
- and monies so deposited with the municipality serve as security.
- (2) The Municipal Manager reserves the right to review the sum of money deposited or the amount for which additional security is required.
- (3) The Municipal Manager may, in respect of preferred customers, consider relaxation of the conditions pertaining to deposits as set out in subsections (1) and (2).
- (4) On termination of the supply of services, the amount of such deposit, less any payments due to the municipality, must be refunded to an account holder.

##### **7. Billing and payment**

- (1) The account holder must pay all amounts due to the municipality as reflected in the municipal account, and the onus is on the account holder to verify the accuracy of such account.
- (2) An account holder must pay for metered services, and must pay the rates, other municipal charges, levies, fees, fines, interest, taxes or any other liability or obligation from the date of origin of such municipal charges until the written termination of the services.

- (3) An account holder –
- (a) must, where possible, be rendered one account, on which the due date for settlement of the total amount owing is reflected, subject to the provisions of subsection (14); and
  - (b) must be billed monthly in cycles of approximately 30 days.
- (4) Payment must be received on or before the close of business on the due date.
- (5) Payment made via electronic media or any of the service providers appointed by the municipality to receive payments on its behalf, should be made at least four working days before the due date to enable the payment to be processed, and interest accrues should the municipality receive payment after the due date.
- (6) Where the account holder effects payment of an account via a service provider four working days or more before the due date and such service provider fails to furnish the municipality with the relevant payment details, such service provider may be held liable for all charges incurred by the municipality to recover an arrear amount erroneously reflected on the account of the account holder, as well as for interest charges.
- (7) The municipality may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, which intervals may not exceed 4 months, and may render an account to an account holder for the quantity of metered services so estimated.
- (8) If an account holder is dissatisfied with an account rendered for metered services supplied by the municipality, such account holder may, prior to the due date stipulated therein object to the account, setting out reasons for such dissatisfaction.
- (9) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the account holder must notwithstanding such dispute proceed to make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the municipality.
- (10) An error or omission in any account or failure to render an account does not relieve the account holder of the obligation to pay by the due date.
- (11) If an account holder uses water or electricity for a category of use other than that for which it is supplied by the municipality and is in consequence not charged for water or electricity so used, or is charged for the water or electricity at a rate lower than that at which the account holder should be charged, the account holder is liable for the amount due to the municipality in accordance with the prescribed charges in respect of –
- (a) the quantity of water or electricity which the account holder has used and for which the account holder has not been charged; or
  - (b) the difference between the cost of the water or electricity used by the account holder at the rate at which the account holder has been charged and the cost of the water or electricity at the rate at which the account holder should have been charged.
- (12) An account holder is not entitled to a reduction of the amount payable for metered services which are lost due to a fault in the meter, until such time as the provisions of section 13(8)(c) have been met.
- (13) The municipality may –
- (a) consolidate any separate accounts of an account holder liable for

- (b) payment to the Municipality; and credit any payment by an account holder against any debt of that account holder.
- (14) The owner of property may enter into an agreement with the municipality in terms of which payment for rates is made annually, in which case payment must be made on or before the date determined by the municipality.

#### **8. Termination of service agreement**

- (1) Termination of the service agreement must be in writing to the other party of the intention to do so.
- (2) Where a property is sold, an owner may terminate a service agreement by giving the municipality not less than four working days' notice in writing.
- (3) The municipality may, by notice in writing of not less than 14 working days, advise an account holder of the termination of the agreement for a supply of municipal services if –
- (a) the account holder has committed a breach of this by-law and has failed to rectify such breach; or
  - (b) the municipality cannot continue to supply the account holder with municipal services, as in terms of an arrangement with another authority supplying municipal services such authority must in future supply municipal services to the account holder.

#### *Part 2*

#### *Non-payment of municipal accounts*

#### **9. Arrangements for payments**

- (1) Should an account holder, before any of the steps have been taken in terms of section 11, not be able to pay the municipal account in full, the account holder may approach the municipality with the aim of making short-term arrangements to settle the account.
- (2) Should an account holder, after any of the steps have been taken in terms of section 13, experience difficulties in paying the municipal account, the account holder may approach the municipality with the aim of making arrangements to settle the account, and the account holder must enter into a written agreement with the municipality to repay to the municipality the outstanding and due amount under the conditions and on a basis determined, by the Municipal Manager.
- (3) The written agreement must be signed on behalf of the municipality by a duly authorised officer.
- (4) In the instance where arrangements for payment have been made the municipality may –
- (a) review the deposit;
  - (b) require of an account holder to pay by means of a stop order or debit order;
  - (c) require of an account holder to convert to a pre-paid metering system; or
  - (d) require any other form of security, including personal suretyship by the directors or members of a company, closed corporation, trust or body corporate.

**10. Interest on overdue municipal accounts**

- (1) The municipality may, charge or recover interest at a rate determined by it in respect of any arrear amounts due and payable.
- (2) Irrespective of the reason for non-payment, or where an arrangement has been made in terms of section 9, interest accrues if an account is unpaid.
- (3) Interest is calculated monthly according to the interest rate approved by the municipality, and a portion of a month is regarded as a month.
- (4) Interest is payable if payment is not received at an office of the municipality or to the credit of the bank account of the municipality at the close of business on the due date.

**11. Debt collection mechanisms**

- (1) Where appropriate, the Municipality must at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date:
  - (a) delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
  - (b) informing the account holder verbally, in writing, telephonically, or by electronic means of the overdue amount and the impending disconnection or restriction of services
  - (c) disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
  - (d) debiting the municipal account of the account holder with all relevant fees or penalties approved by the municipality.
- (2) Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored –
  - (a) the municipality has the right to take whatever action is required in terms of section 30, and the account holder is responsible for the relevant fees or charges or damages caused;
  - (b) the municipality may refuse to supply services for a period determined by the municipality ; and
  - (c) in the instance of the use of a pre-paid meter, the municipality may cease further vending of pre-paid services..
- (3) Where a duly authorised officer of the municipality has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection becomes payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.
- (4) The municipality may use any one or more of the following mechanisms to secure full payment of any amounts owing to it:
  - (a) requiring of the account holder to convert to another metering system;
  - (b) allocating a portion of any pre-paid payment to other debts;

- (c) publishing a list of account holders who remain in default;
  - (d) withholding payment of a grant-in-aid and subject to the provisions of section 32, excluding the account holder from the tender process;
  - (e) withholding payment on contracts for settlement of the municipal account;
  - (f) reviewing and altering the conditions of the service agreement;
  - (g) instituting legal proceedings for the recovery of the debt;
  - (h) classifying the account holder as an unreliable customer;
  - (i) using the services of external debt collection specialists or agencies;
  - (j) insisting on conversion to pre-paid metering at the cost of the account holder; or
  - (k) employing any other methods authorised by the municipality from time to time to recover arrear amounts.
- (5) The cost of collection, where applicable, is for the account holder's account.
- (6) Subject to the provisions of sections 28 and 29 of the Property Rates Act, 2004 Act 6 of 2004), the right to deny, restrict, disconnect or terminate services due to the non-payment for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact that –
- (a) payment was intended for any specific service; or
  - (b) the person who entered into a service agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.

### *Part 3*

#### *Metering equipment and metering of services*

#### **12. General provisions**

The municipality may introduce various metering equipment and may encourage an account holder to convert to a system which will benefit the municipality and account holders.

#### **13. Metering equipment and measuring of consumption**

- (1) The municipality must, 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 metered services.
- (2) The municipality reserves the right to meter the supply to a block of shops, flats, tenement-houses and similar buildings for the building as a whole, or for an individual unit, or for a group of units.
- (3) Where any building referred to in subsection (2) is metered by the municipality as a whole –
- (a) the owner may, at own cost, provide and install appropriate sub-metering equipment for each shop, flat and tenement; or
  - (b) the municipality may require the installation, at the account holder's expense, of a meter for each unit of any premises in separate occupation for the purpose of determining the quantity of metered services supplied to each such unit.
- (4) Where the electricity used by consumers is charged at different tariffs, the consumption must be metered separately for each tariff.

- (5) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided where appropriate.
- (6) Except in the case of pre-payment meters, the quantity of metered services used by a consumer during any metering period is ascertained by reading the appropriate meter or meters supplied and installed by the municipality at the beginning and end of such metering period, except where the metering equipment is found to be defective.
- (7) For the purpose of calculating the amount due and payable for the quantity of metered services consumed, the same amount of metered services is deemed to be consumed during every period of 24 hours between readings.
- (8) The following apply to the accuracy of metering:
- (a) a meter is conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (13), is found to be within the limits of error as provided for in the applicable standard specifications;
  - (b) the municipality has the right to test its metering equipment, and if it is established by test or otherwise that such metering equipment is defective, the Municipality must –
    - (i) in case of a credit meter, adjust the account rendered; or
    - (ii) in the case of prepayment meters:
      - (aa) render an account where the meter has been under-registering; or
      - (bb) issue a free token where the meter has been over-registering; and
  - (c) the consumer is entitled to have the metering equipment tested by the municipality on payment of the prescribed fee, and 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 paragraph (b) and subsection (7) must be made and the aforesaid fee must be refunded.
- (9) No alterations, repairs, additions or connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipal Manager.
- (10) Prior to the municipality making any upward adjustment to an account in terms of subsection (8)(b), the municipality must –
- (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
  - (b) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
  - (c) call upon the consumer in such notice to present it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit, why the account should not be adjusted as notified, and should the consumer fail to provide any representation during the period the municipality is entitled to adjust the account as notified in paragraph (a).
- (11) The Municipality must consider any representation provided by the consumer in terms of subsection (10) and may adjust the account appropriately.
- (12) If the Municipal Manager decides that such representation does not establish a case warranting an amendment to the monetary value established in terms of

subsection (15), the municipality is entitled to adjust the account as notified in terms of subsection (10)(a), and the consumer has the right to appeal the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

(13) Meters are tested in the manner provided for in the applicable standard specifications.

(14) When an adjustment is made to the consumption registered on a meter in terms of subsection (8)(b) or (8)(c), such adjustment is based either on the percentage error of the meter as determined by the test referred to in subsection (13), or upon a calculation by the Municipality from consumption data in its possession, and where applicable, due allowance must be made, where possible, for seasonal or other variations which may affect consumption.

(15) When an adjustment is made as contemplated in subsection (14), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, however the application of this subsection 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.

(16) The municipality may dispense with the use of a meter in case of –

- (a) an automatic sprinkler fire installation; or
- (b) special circumstances that may justify such dispensation.

(17) The municipality may by notice –

- (a) prohibit or restrict the consumption of metered services –
  - (i) for specified or non-specified purposes;
  - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
  - (iii) in a specified or non-specified manner; and
- (b) determine and impose –
  - (i) limits on the quantity of metered services which may be consumed over a specified period;
  - (ii) charges additional to those prescribed in respect of the supply of metered services in excess of a limit contemplated in subparagraph (i); and
  - (iii) a general surcharge on the prescribed charges in respect of the supply of metered services; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which metered services is used or consumed, or on the connection of such appliance.

(18) The municipality may limit the application of the provisions of a notice contemplated by subsection (17) to specified areas and classes of account holders, premises and activities, and may provide for the Municipality to permit deviations and exemptions from, and the relaxation of any of the provisions.

(19) To ensure compliance with a notice published in terms of subsection (17), the municipality may take, or by written notice require an account holder at the account holder's expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of metered services as may be necessary.

(20) In addition to the person by whose act or omission a contravention of or failure to comply with the terms of a notice published in terms of subsection (17) is actually committed, an account holder in respect of the premises to which metered services are supplied is presumed also to have committed the contravention or to have



so failed to comply, unless evidence is adduced that the account holder had taken all reasonable steps to prevent such a contravention or failure to comply by any other person, however, the fact that the account holder issued instructions to the other person shall not of itself be accepted as sufficient proof that the account holder took all such reasonable steps.

- (21) The provisions of this section also apply in respect of metered services supplied directly by the municipality to account holders 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 subsection (17).
- (22) If action is necessary as a matter of urgency to prevent waste of metered services, refuse or sewerage, damage to property, danger to life, or pollution of water, the municipality may –
- (a) without prior notice disconnect the supply of metered services to any premises; and
  - (b) enter upon such premises and do emergency work, as it may deem necessary, and in addition by written notice require the account holder to do within a specified period such further work as the municipality may deem necessary;
- (23) The municipality may recover from the account holder the cost of any work undertaken in terms of subsection (22)(b) where such work was undertaken because of an unlawful act or omission by the account holder.
- (24) Before any metered or pre-paid metered supplies which have been disconnected or restricted for non-payment is restored, an account holder must pay all fees and charges as determined by the municipality.
- (25) The municipality may, at the written request of an account holder and on the dates requested by the account holder –
- (a) disconnect the supply of metered services to the account holder's premises; and
  - (b) upon payment of the prescribed charge for restoration, restore the supply of such services..
- (26) After disconnection for non-payment of an account or a contravention of any provision of this by-law, the prescribed fees must be paid before reconnection is made.
- (27) The following apply to the reading of credit meters:
- (a) unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariff are assessed accordingly and the municipality is not obliged to effect any adjustments to such charges;
  - (b) if for any reason the credit meter cannot be read, the municipality may render an estimated account, and estimated consumption must be adjusted in a subsequent account in accordance with the consumption actually consumed;
  - (c) when an account holder 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;
  - (d) if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and
  - (e) if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer –
    - (i) the error must be corrected in subsequent accounts;

- (ii) any such correction applies only in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered,
  - (iii) the correction is based on the actual tariffs applicable during the period; and
  - (iv) 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.
- (28) The following apply to prepayment metering:
- (a) no refund of the amount tendered for the purchase of electricity or water credit is given at the point of sale after initiation of the process by which the pre-payment meter token is produced; provided that this section will only apply to Standard Transfer Specification equipment (STS tokens);
  - (b) copies of previously issued tokens for the transfer of credit to the pre-payment meter may be issued at the request of the consumer;
  - (c) when an account holder vacates any premises where a pre-payment meter is installed, no refund for the credit remaining in the meter is made to the owner by the municipality;
  - (d) the municipality is not liable for the re-instatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, pre-payment meters or tokens;
  - (e) where an account holder is indebted to the municipality for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation, the municipality may deduct a percentage from the amount tendered to offset the amount owing to the municipality; and
  - (f) the municipality may appoint vendors for the sale of credit for prepayment meters and does not guarantee the continued operation of any vendor.

#### 14. Resale of water or electricity

- (1) No account holder who is supplied with metered services in terms of this by-law may sell or supply water or electricity to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit or offer such resale or supply to be made, unless prior permission from the municipality has been obtained.
- (2) If the municipality grants the permission referred to in subsection (1), it may stipulate the maximum price at which the water or electricity may be sold and impose such other conditions as it may deem fit.
- (3) Permission referred to in subsection (1) may be withdrawn at any time.
- (4) Where water or electricity is resold for use on the same premises, such resale must be in accordance with the tariff and subject to such conditions as the municipality may impose.

*Part 4*  
*Indigence relief measures*

**15. Requirements for indigence relief**

- (1) To qualify for indigence relief, the following requirements must be met:
- (a) The applicant must be an account holder;
  - (b) the applicant must, before a date determined by the municipality, apply annually, or at such intervals as determined by the municipality, to be granted the status as a poor household, and for these purposes must -
    - (i) complete and sign the prescribed forms; and
    - (ii) provide any other documentation as may be required by the municipality;
  - (c) the applicant may not be the owner of more than one property and he or she must occupy the property; and
  - (d) the collective household income may not exceed the amount determined by the municipality in terms of subsection (2).
- (2) For the purposes of determining the collective household income as contemplated in subsection (1)(d), the municipality may stipulate an amount, or may determine a maximum amount based on any one or more of the following:
- (a) consumption of water;
  - (b) consumption of electricity; or
  - (c) the municipal valuation of the property, which valuation may not exceed the value determined by the municipality.
- (3) In the case of a tenant -
- (a) the tenant must apply in person and may qualify for electricity, water and refuse and sewage charges only, for which charges he or she must receive a municipal account; and
  - (b) the person receiving the rent payable by the tenant whether on the person's own account or as agent for any other person entitled thereto or interested therein, is responsible for rates.
- (4) In the instance where the account holder is deceased, the existing and future accounts of the household must be accepted under the indigence relief measures, on condition that only the surviving spouse or dependent children may apply or benefit.

**16. Credit given**

- (1) Households which qualify for indigence relief measures may receive a credit for some or all of the following as determined by the municipality:
- (a) a quantity of electricity plus basic fee;
  - (b) a quantity of water plus basic fee;
  - (c) refuse removal charges;
  - (d) sewerage charges;
  - (e) rates; or
  - (f) any other service fees, taxes or charges over and above the rendered services.
- (2) The municipality has the right to review an application for indigence relief on a regular basis and to visit the property mentioned in section 15(1)(c) at any reasonable time for the purposes of verifying the information given in an application.
- (3) The normal rates, fees and charges and the requirement to pay an account will apply should a household account exceed the credit limits approved by the municipality.

(4) Where it has been established that indigence relief has been granted on the basis of false or fraudulent information supplied, the municipality may withdraw such relief with immediate effect.

### CHAPTER 3 TARIFFS

#### *Part 1*

#### *General principles, calculation of tariffs for major services*

#### 17. General principles

- (1) The municipality adopts, subject to subsection (14), sections 20(3)(d) and (e) and 21(5)(d), a two-part tariff structure consisting of a fixed availability charge coupled with a charge based on consumption.
- (2) In setting its annual tariffs the municipality must at all times take due cognisance of the –
  - (a) tariffs applicable elsewhere in the economic region; and
  - (b) impact which its own tariffs may have on local economic development.
- (3) With the exception of the indigence relief measures approved by the municipality, service tariffs imposed by the municipality should be viewed as user charges and not as taxes, and the ability of the relevant consumer or user of the services to which such tariffs relate, to pay for such services, should not be considered as a relevant criterion.
- (4) The municipality must ensure that its tariffs are uniformly and fairly applied throughout the municipal area.
- (5) Tariffs for the following services rendered by the municipality, must as far as possible recover the expenses associated with the rendering of each service concerned, and, where feasible, generate a surplus as determined in each annual budget:
  - (a) supply of electricity;
  - (b) supply of water;
  - (c) sanitation services, including sewerage and waste water disposal services; and
  - (d) refuse (solids waste) removal services.
- (6) The tariff, which a particular consumer or user pays, must be directly related to the standard of service received and the quantity of the particular service used or consumed.
- (7) The municipality must annually review its indigence relief measures, as contemplated in sections 15 and 16, and must set out the –
  - (a) municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents; and
  - (b) the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- (8)
  - (a) The municipality's tariff policy must be transparent.
  - (b) The extent to which there is cross-subsidisation between categories of consumers or users must be evident to all consumers or users of the service in question.
- (9) The municipality undertakes to –
  - (a) ensure that its tariffs are explained to and understood by all consumers

- and users affected by this by-law;
- (b) render its services cost effectively in order to ensure the best possible cost of service delivery.
- (10) In the case of the directly measurable services, namely electricity and water, the consumption of such services must be properly metered by the municipality, and meters must be read, wherever circumstances reasonably permit, on a monthly basis, and the charges levied on consumers must be proportionate to the quantity of the service which they consume.
- (11) In considering the costing of its water, electricity and sewerage services, the municipality must take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.
- (12) (a) The municipality's tariffs for electricity services are determined to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, have to bear the costs associated with these charges.
- (b) For the purposes of paragraph (a), the municipality must install demand meters to measure the maximum demand of such consumers during certain periods.
- (c) Such consumers must pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

#### 18. Calculation of tariffs for major services

In order to calculate the tariffs which must be charged for the supply of the services contemplated in section 17(5), the municipality must identify all the costs of operation of the undertakings concerned, including specifically the following:

- (a) cost of bulk purchases in the case of water and electricity;
- (b) distribution costs;
- (c) distribution losses in the case of electricity and water;
- (d) depreciation expenses;
- (e) maintenance of infrastructure and other fixed assets;
- (f) administration and service costs, including –
- (i) service charges levied by other departments such as finance, human resources and legal services;
- (ii) reasonable general overheads, such as the costs associated with the office of the municipal manager;
- (iii) adequate contributions to the provisions for bad debts and obsolescence of stock; and
- (iv) all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of providing street lighting in the municipal area; and
- (g) the cost of indigence relief measures.

#### Part 2

#### Structure of tariffs for major services, minor tariffs

19. Structure of tariffs
- (1) The municipality may–

- (a) determine the kilowatt-hours of electricity per month and the kilolitres of water which will be provided free of charge to a consumer who have registered as an indigent in terms of section 15(1)(b); and
  - (b) consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigent to the extent that the council deems such relief affordable in terms of each annual budget, however, such relief may not be less than a discount as determined by the municipality.
- (2) The tariff for a pre-paid meter is the same as the ordinary consumption tariffs levied on the category of consumer concerned, and no availability charge is levied on a property where a pre-paid meter has been installed.

## 20. Electricity

- (1) The various categories of electricity consumers, as set out in subsection (3), are charged at the applicable tariffs, as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.
- (3) Categories of consumers and charges are as follows:
- (a) with the exception of a registered indigent, a consumer must be billed for all the electricity consumed at the tariff applicable to the category in which the particular consumer falls.
  - (b) the tariff for domestic consumption of electricity may not exceed such percentage, per kilowatt-hours, as determined by the municipality, of the tariff applicable to other consumers, and all other consumers, including businesses, industries and institutional consumers, must pay the same tariff per kilowatt-hour.
  - (c) A domestic electricity consumer of the municipality who is registered as an indigent with the municipality must receive free the amount of kilowatt-hours of electricity as determined in terms of section 19(1).
  - (d) a domestic electricity consumer other than a registered indigent and sub-economic (Government subsidised Housing) consumer must additionally be billed an availability charge per meter installed.
  - (e) a commercial, industrial and other non-domestic property must additionally be billed a monthly availability charge per meter installed and, where applicable, a demand charge appropriate to its respective levels of consumption.

## 21. Water

- (1) The categories of water consumers as set out in subsection (5), are charged at the applicable tariffs, as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.
- (3) The tariff levied for domestic consumption of water escalates according to the volume of water consumed, and will be based on a monthly consumption as determined by the municipality.
- (4) The tariff for non-domestic water consumption is based on a single tariff per kilolitre consumed, irrespective of the volume of consumption concerned.
- (5) Categories of consumers and charges are as follows:
- (a) a domestic water consumer registered as an indigent with the municipality must receive free the first six kilolitre of water consumed per month, thereafter a tariff as determined by the municipality is applicable on metered water consumption.

- (b) all other domestic consumers are charged for actual water consumption at a stepped tariff per kilolitre as determined by the the municipality.
- (c) the tariff applicable to domestic consumption of water may not exceed such percentage per kilolitre as determined by the municipality, of the tariff applicable to other consumers and all other consumers, including businesses, industries and institutional consumers, must pay the tariff as contemplated in subsection (4).
- (d) an availability charge per water meter, as determined by the municipality, is charged on a water consumer.

**22. Refuse removal**

- (1) The categories of refuse removal users as set out in subsection (3) are charged at the applicable tariffs, as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.
- (3) A separate fixed monthly refuse removal charge applies to each of the following categories of users, based on the costs of the service concerned:
  - (i) domestic and other users, where refuse is removed by the municipality once weekly; and
  - (ii) business and other users, where refuse is removed by the municipality twice weekly;
  - (iii) business and other users, where refuse is removed by the municipality thrice weekly; and
  - (iv) business and other bulk consumers.
- (4) A registered indigent may receive a discount on this charge as the municipality deems affordable when approving each annual budget, which discount may not be less than the percentage, as determined by the municipality, of the monthly amount billed as a refuse removal charge.

**23. Sewerage**

- (1) The categories of sewerage users as set out in subsection (3) are charged per month at the applicable tariff as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.
- (3) Categories of users and charges are:
  - (a) an availability charge is charged per month or annually for an undeveloped erf, irrespective of its permitted or intended use.
  - (b) a fixed monthly charge based on the costs of the service, is charged for bucket removal for a domestic user, however, a registered indigent may receive such discount on this charge as the municipality deems affordable when approving each annual budget, which discount may not be less than the percentage, as determined by the municipality, of the monthly amount billed for this service.
  - (c) a fixed monthly charge based on the costs of the service is charged for a domestic user, however, a registered indigent may receive such discount on this charge as the municipality deems affordable when approving each annual budget, which discount may not be less than the percentage, as determined by the municipality, of the monthly amount billed for this service.
  - (d) a fixed monthly charge based on the costs of the service per sewer point or toilet is charged to all businesses, industries and institutional users.

- (e) an effluent fee is payable by a factory and another industrial user where the wastewater emanating from such user requires special purification measures by the municipality, and the fee is based on the toxic content of the wastewater concerned and the costs of the purification.
- (f) a charge, based on the costs of the service to empty a septic tank, will be levied for each visit to empty a septic tank on the premises of a person requiring such service.

#### 24. Minor tariffs

- (1) All minor tariffs are standardised within the municipal region.
- (2) All minor tariffs are approved by the municipality in each annual budget and are, when deemed appropriate by the municipality, subsidised by property rates and general revenues, particularly when the –
  - (a) tariffs prove uneconomical when charged to cover the cost of the service concerned;
  - (b) cost cannot accurately be determined; or
  - (c) tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- (3) Unless there are compelling reasons why such adjustment should not be effected, all minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, are adjusted annually at least in accordance with the prevailing consumer price index.
- (4) The following services are subsidised services, and the tariffs levied cover 50%, or as near as possible to 50%, of the annual operating expenses budgeted for the service concerned:
  - (a) burial services and the provision of cemeteries; and
  - (b) the provision of municipal sports facilities for use against a fee.
- (5) The following services are considered as being community services, and no tariffs are levied for their use:
  - (a) a municipal swimming pool;
  - (b) a municipal museum and art gallery;
  - (c) the disposal of garden refuse at the municipal disposal site;
  - (d) a municipal reference library;
  - (e) a municipal lending library, except for fines determined;
  - (f) a municipal botanical garden, other park or open space;
- (6) The following services are considered as being economic services, and the tariffs levied cover 100%, or as near as possible to 100%, of the budgeted annual operating expenses of the service concerned:
  - (a) The maintenance of graves, gardens of remembrance and crematoria against payment of a fee;
  - (b) the availability of a house against payment of a housing rental;
  - (c) subject to subsection (9), the use of a municipal hall and other premises against payment of a fee;
  - (d) the supply of a building plan against payment of a fee;
  - (e) the selling of –
    - (i) plastic refuse bags;
    - (ii) the selling of refuse bins; or
    - (iii) livestock and plants;
  - (f) the cleaning of stands against payment of a fee;



- (g) the connection of electricity, water and sewerage against payment of a connection fee;
  - (h) the photostating of copies against payment of a fee; and
  - (i) the issuing of a clearance certificate against payment of a fee.
- (7) The following charges and tariffs are considered as regulatory or punitive, and are determined as appropriate in each annual budget:
- (a) fines for lost or overdue library books;
  - (b) advertising sign fees;
  - (c) pound fees;
  - (d) disconnection and reconnection fees of electricity and water;
  - (e) penalty and other charges imposed in terms of Chapters 1 and 2; and
  - (f) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.
- (8) The lease of a municipal property must be dealt with in terms of the Municipality's Supply Chain Management Regulations or Policy;
- (9) If the municipal manager is satisfied, in the case of a rental for the use of a municipal hall and premises, that the hall or premises is required for non-profit making purposes and for the provision of a service to the community, the municipal manager may waive the applicable rental.
- (10) The municipal manager must determine whether an indemnity or guarantee is to be lodged, or whether a deposit has to be paid, for the rental of a municipal hall, premises or sports field, and in so determining must be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.
- (11) The costs of the democratic process in the municipality such as, but not limited to, all expenses associated with the political structures of the municipality, form part of the expenses to be financed from property rates and general revenues, and are not included in the costing of the major services of the municipality.

#### CHAPTER 4 RATES

##### 25. Imposition of rates

- (1) The municipality must impose, as part of each annual operating budget component, a rate in the rand on the value of all rateable property as recorded in the municipality's valuation roll and supplementary valuation roll.
- (2) When imposing the rate for each financial year, the municipality must take proper cognisance of the –
  - (a) aggregate burden of rates and service charges on property owners in the various categories of property ownership; and
  - (b) extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region.

##### 26. Rebates on rates

- (1) The municipality may grant rebates in recognition of the following factors:
  - (a) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services which they produce;
  - (b) the need to accommodate indigents and less affluent pensioners;

- (c) the services provided to the community by public service organisations;
  - (d) the value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities;
  - (e) the need to preserve the cultural heritage of the local community;
  - (f) the need to encourage the expansion of public service infrastructure; and
  - (g) the indispensable contribution which property developers, especially in regard to commercial and industrial property development, make towards local economic development, and the continuing need to encourage such development.
- (2) The municipal manager must, subject to section 15(3) and 15(4) of the Property Rates Act, 2004 (Act 6 of 2004), ensure that rebates are indicated on the rates accounts submitted to each property.
- (3) The municipality may categorise properties and grant rebates as determined by it.
- (4) In determining whether a property forms part of a particular category contemplated in subsection (3), the municipality must have regard to the actual use to which the relevant property is put, and in the case of vacant land not specifically included in any of the categories, the permitted use of the property determines into which category it falls.
- (5) The rebates granted under subsection (3) apply in addition to the provisions of section 17(1)(h) of the Property Rates Act, 2004.
- (6) (a) Subject to the provisions of section 9 of the Property Rates Act, 2004, a property, other than one referred to in section 17(1)(h)(i) of that Act, is rated on the value assigned to each component, and receives the rebate applicable to such component.
- (b) where one component on average represents a higher percentage than that determined by the municipality, of the property's actual use, such property must be rated as though it were used for that use only.

#### 27. Adjustment of rates

(1) Where the rates levied on a particular property have been incorrectly determined, whether because of –

- (a) an error or omission on the part of the municipality;
- (b) false information provided by the property owner concerned; or
- (c) a contravention of the permitted use to which the property concerned may be put,

the rates payable must be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

(2) Where the error occurred as contemplated in subsection (1)(b) or (c), interest on the unpaid portion of the adjusted rates payable must be levied at the maximum rate permitted by prevailing legislation.

**28. Frequency of valuations**

Subject to the provisions of sections 32 and 77 of the Property Rates Act, 2004 (Act 6 of 2004), the municipality must prepare a new valuation roll every three years and supplementary valuation rolls every six months.

**CHAPTER 5  
ENFORCEMENT****29. Municipality's powers to restrict or disconnect supply of services**

The municipality may, over and above the provisions of any other provisions in this by-law restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises if -

- (a) an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 37 of 1944), in respect of an account holder; provided further that such services will only be suspended if the account holder fails to make regular payments in respect of the current services;
- (b) an account holder of any service fails to comply with a condition of supply imposed by the municipality;
- (c) an account holder obstructs the efficient supply of electricity, water or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which is dangerous or a contravention of relevant legislation; or
- (f) an account holder is placed under provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act 24 of 1936).

**30. Tampering, unauthorised connections and reconnections, and improper use**

- (1) The municipality reserves the right to monitor the service network for signs of tampering or irregularities.
- (2) No person may in any manner or for any reason 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.
- (3) Where evidence exists of an account holder or any person having contravened subsection (2), the municipality has the right to disconnect the supply immediately and without prior notice to the account holder, and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.
- (4) Where an account holder or any person has contravened subsection (2) and such contravention has resulted in the meter recording less than the true consumption, the municipality has the right to recover from the account holder the full cost of his or her estimated consumption.

**31. Clearance certificate**

To effect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate, which certificate is obtainable from the municipal manager upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 (Act 32 of 2000) being met.

**32. Tenders and grants-in-aid**

- (1) Each tender submitted to the municipality must be accompanied by a certificate from the municipality stating that the proposed supplier/service provider is not indebted to the municipality for any arrear amount reflected on the municipal account.
- (2) Should a proposed supplier/service provider be so indebted, the municipality may disallow the tender.
- (3) The municipality may only consider a tender once the proposed supplier/service provider has made satisfactory arrangements to pay the outstanding amount by means of instalments, or has settled all arrear amounts in full.
- (4) The municipal manager or a duly authorised officer of the municipality must in the condition of contract, provide for the deduction from moneys owed to the supplier/service provider in order to settle any outstanding amount.
- (5) Payment of any grants-in-aid approved by the municipality may be withheld pending payment of any outstanding municipal account, or pending an agreement between the municipality and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

**33. Power of council to recover costs**

- (1) Where a bank dishonours any payment made to the municipality, the municipality may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.
- (2) All legal costs, excluding attorney-and-client costs incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 (Act 32 of 1944), must be levied against the arrears account of the account holder.
- (3) For any action taken in demanding payment from an account holder or reminding an account holder by means of telephone, fax, electronic mail, letter or otherwise that payments are due, a fee will be levied against the municipal account of the account holder in terms of the municipality's tariff policy.

**34. Prima facie evidence**

A certificate reflecting the amount due and payable to the municipality, signed by the municipal manager, is upon mere production thereof prima facie evidence of the indebtedness of the person mentioned in it.

**35. Abandonment of bad debts, and full and final settlement of account**

- (1) Before terminating the debt collection procedure in any individual instance, the municipal manager must –
  - (a) ensure that all debt collection mechanisms as provided for in section 11 have been utilised where reasonable;
  - (b) maintain an audit trail; and
  - (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments.
- (2) The municipal manager may consider an offer for full and final settlement, and must, if in the interests of the municipality, in writing consent to the acceptance of a lesser amount as full and final settlement of the amount due and payable.

(3) Where the exact amount due and payable to the municipality has not been paid in full, any lesser amount tendered to and accepted by any municipal employee, except the municipal manager, shall not be deemed to be in full and final settlement of such an amount.

**36. Power of entry and inspection**

(1) A duly authorised representative of the municipality may for any reason related to the implementation or enforcement of this by-law at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.

(2) If the municipality considers it necessary for work to be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may –

- (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
- (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.

(3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the municipality must bear the expense connected therewith together with that of restoring the premises to their former condition.

**37. Authentication and service of orders, notices and other documents**

(1) An order, notice or other document requiring authentication by the municipality must be signed by the municipal manager and when issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.

(2) Any notice or other document that is served on a person by a duly authorised officer of the municipality in terms of this by-law, is regarded as having been served –

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates;
- (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate to a person apparently over the age of 16 years; or
- (g) when it has been delivered, at the request of a person, to that person's electronic mail address.

- (3) When any notice or other document has to be served on the owner, an account holder 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, account holder or holder of the property or right in question, and it is not necessary to name that person.
- (4) Service of a copy is deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

## CHAPTER 6 MISCELLANEOUS PROVISIONS

### 38. Right of appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision

### 39. Offences and penalties

A person is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment if he or she-

- (a) fails to give access required by an officer in terms of section 36;
- (b) obstructs or hinders an officer in the exercise of his or her powers or the performance of functions or duties under this by-law;
- (c) uses or interferes with the municipality's equipment for consumption of services supplied;
- (d) fails or refuses to give the municipality or an officer such information as the municipality or the officer may reasonably require for the purpose of exercising powers or functions under this by-law, or gives the municipality or the officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of this by-law; or
- (f) tampers or breaks any seal on a meter or on any equipment belonging to the municipality, or for any reason causes a meter not to register the services used properly, and the person shall furthermore be charged for usage of electricity or water, as the case may be.

### 40. Repeal of by-laws

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the

municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**41. Short title and commencement**

This by-law may be cited as the Customer Care and Revenue Management By-law and commences on the date of publication thereof in the Provincial Gazette.

## No. 262

**BLUE CRANE ROUTE MUNICIPALITY  
ELECTRICITY SUPPLY BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

## Table of contents

1. Definitions
2. Purpose of by-law
- CHAPTER 1: GENERAL CONDITIONS OF SUPPLY
3. Provision of electricity services
4. Customer Care and Revenue Management By-laws apply
5. Processing of requests for supply
6. Wayleaves
7. Statutory Servitude
8. Refusal or failure to give information
9. Electricity tariffs and fees
10. Non-liability of the Municipality
11. Leakage of electricity
12. Failure of supply
13. Protection of Municipality's supply mains
14. Prevention of tampering with service connection or supply mains
15. Temporary supplies
16. Temporary work
17. Load reduction
18. Medium and low voltage switchgear and equipment
19. Substation accommodation
20. Wiring diagram and specification
21. Standby supply
22. Consumer's emergency standby supply equipment
23. Circular letters
- CHAPTER 2: RESPONSIBILITIES OF CONSUMERS
24. Consumer to erect and maintain electrical installation
25. Fault in electrical installation
26. Discontinuance of use of supply
27. Change of occupier
28. Service apparatus
- CHAPTER 3: SPECIFIC CONDITIONS OF SUPPLY
29. Service connection
30. Metering accommodation
- CHAPTER 4: SYSTEMS OF SUPPLY
31. Load requirements
32. Load limitations
33. Interference with other persons' electrical equipment
34. Supplies to motors
35. Power factor
36. Protection
- CHAPTER 5: ELECTRICAL CONTRACTORS
37. Requirements
- CHAPTER 6: MISCELLANEOUS PROVISIONS
38. Repairs and costs of work
39. Penalties



40. Repeal of by-laws  
41. Short title and commencement

### Definitions

1. In this by-law, unless the context otherwise indicates –
- "**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;
- "**consumer**" in relation to premises means –
- any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat;
  - 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
  - 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]
- "**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 rating**" means the maximum continuous kW output of a motor as stated on the maker's rating plate;
- "**municipality**" means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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 –
- any person in actual occupation of such premises;
  - any person legally entitled to occupy such premises;
  - 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
  - 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 any premises means:-
- The person in whose name the premises is registered or the person's authorized agent;
  - if the owner is deceased, insolvent, mentally ill, a minor or under any legal disability, the person in whom the custody or administration of such premises is vested as executor, trustee, curator, guardian or any other capacity;
  - if the premises is leased and registration in the Deeds Office is a prerequisite for the validity of the lease, the lessee;

- (d) a person receiving rent or profit issuing therefrom, or who would receive such rent or profit, if such premises were let, whether on his own account or as agent for any person entitled thereto or interested therein;
- (e) where the premises are beneficially occupied under servitude or similar right, the person in whom such right is vested;

"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;

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

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

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

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

"service protective device" : means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

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

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

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

"voltage" means the root-mean-square value of electrical potential between two conductors, and all other terms used in this by-law have, unless the context otherwise requires, 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.

## 2. Purpose of by-law

The aim of this by-law is the supply of electricity to the residents of the municipality and to provide for procedures, methods and practices to regulate the provision of electricity.

## CHAPTER 1: GENERAL CONDITIONS OF SUPPLY

### 3. Provision of electricity services

Only the municipality may 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. Customer Care and Revenue Management By-laws apply

The provisions of the municipality's Customer Care and Revenue Management By-laws apply to all matters relating to and incidental to –

- (a) the application for and supply of municipal services;
- (b) municipal service agreements;
- (c) the payment and non-payment of a municipal accounts; and
- (d) the limitation and termination of electricity services.

**5. Processing of requests for supply**

Subject to section 4, applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

**6. 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 the prospective consumer obtained and deposited with the municipality written permission by the owner of the private property or by the person in whom the legal title to the land or thoroughfare is vested, authorising the laying or erection of a service connection.
- (2) If permission is withdrawn at any time or if the 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, will be borne by the consumer to whose premises the supply of electricity is required to be continued.

**7. Statutory Servitude**

- (1) Subject to the provisions of subsection (3) the municipality may –
  - (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 vests in the municipality; or
  - (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 must pay to the owner of such street or property compensation in an amount agreed upon by such owner and the municipality, or in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The municipality must, 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.

**8. Refusal or failure to give information**

- (1) No person may refuse or fail to give such information as may be reasonably required of him or her by the municipality or render any false information to the municipality regarding any electrical installation work completed or contemplated.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

**9. Electricity tariffs and fees**

Copies of charges and fees may be obtained free of charge at the offices of the municipality.

**10. Non-liability of the Municipality**

The municipality is not 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.

#### **11. Leakage of electricity**

Under no circumstances will 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.

#### **12. Failure of supply**

(1) The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality.

(2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality has the right to charge the consumer a 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.

#### **13. Protection of Municipality's supply mains**

(1) No person may, 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, and 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.

(2) The owner or occupier must limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down, and should the owner fail to observe this provision the municipality has the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation and is entitled to enter the property for this purpose and to recover the costs for work done from the owner.

(3) The municipality may, subject to written notice of at least 14 days, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.

(4) The municipality may in the case of a power failure, emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

(5) A person who contravenes a provision of subsection (1) or (2) commits an offence.

#### **14. Prevention of tampering with service connection or supply mains**

The municipality may take special precautions to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering

equipment, and may require of the consumer to either supply and install the necessary protection, or pay the costs involved where such protection is supplied by the municipality.

#### **15. Temporary supplies**

It is a condition of the giving of any temporary supply of electricity, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality has 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 suffered by the consumer by such termination.

#### **16. Temporary work**

(1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the special permission in writing of the municipality, and full information as to the reasons for and nature of such temporary work must 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.

(2) A person who contravenes subsection (1) commits an offence.

#### **17. Load reduction**

(1) At times of peak load, or in an emergency, or when 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, and 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, must, 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).

#### **18. 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 must, 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 must be approved and installed by the municipality.

(3) No person may 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 must be conducted by or under the supervision of municipality

(5) In the case of a low voltage supply of electricity, the consumer must provide and install a low voltage main switch or any other equipment required by the municipality.

(6) A person who contravenes subsection (2), (3), (4) or (5) commits an offence.

**19. Substation accommodation**

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

**20. Wiring diagram and specification**

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification must 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 must, if so required, be forwarded to the municipality for approval before any material in connection therewith is ordered.
- (3) A person who fails to comply with a request made by the municipality in terms of this section, commits an offence.

**21. Standby supply**

No person is 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.

**22. Consumer's emergency standby supply equipment**

- (1)
  - (a) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements may be connected to any installation without the prior written approval of the municipality.
  - (b) Application for such approval must be made in writing and must include a full specification of the equipment and a wiring diagram.
  - (c) The standby equipment must 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.
  - (d) The consumer is 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 is responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

**23. 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.

**CHAPTER 2: RESPONSIBILITIES OF CONSUMERS****24. Consumer to erect and maintain electrical installation**

- (1) 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, must be provided and erected and maintained and kept in good order by the consumer at his or her own expense and in accordance with this by-law and the Regulations.
- (2) A person who contravenes subsection (1) commits an offence.

**25. Fault in electrical installation**

- (1) If any fault, which constitutes a hazard to persons, livestock or property, develops in the electrical installation, the consumer must immediately –
  - (a) disconnect the electricity supply;
  - (b) give notice thereof to the Municipality; and
  - (c) 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.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

**26. Discontinuance of use of supply**

In the event of a consumer desiring to discontinue using the electricity supply, he or she must give at least four full working days' notice in writing of such intended discontinuance to the Municipality, failing which he or she remains 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.

**27. Change of occupier**

- (1) A consumer vacating any premises must give the Municipality not less than four 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 or she must apply in accordance with the provisions of the Customer Care and Revenue Management By-laws, and if he or 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 or she is 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 is deemed to be the consumer, and such person is 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 such person or not.

**28. Service apparatus**

- (1) The consumer is 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 must bear the cost of overhauling or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in subsection (1) devolves 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 certificate is final and binding.

### CHAPTER 3: SPECIFIC CONDITIONS OF SUPPLY

#### 29. Service connection

(1) The consumer must 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, vests in the municipality, and the municipality is responsible for the maintenance of such service connection up to the point of supply.

(3) The consumer is not entitled to any compensation from the municipality in respect of such service connection.

(4) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises, shall be determined by the municipality.

(5) A service connection must be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.

(6) The consumer must provide, fix or maintain on his or her premises such ducts, wire ways, trenches and fastenings as may be required by the municipality for the installation of the service connection.

(7) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but may not be less than 10 mm<sup>2</sup> (copper or copper equivalent), and all conductors must have the same cross-sectional area, unless otherwise approved by the municipality.

(8) (a) Unless otherwise approved, the municipality provides only one service connection to each registered erf.

(b) 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.

(9) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the municipality.

(10) Within the meter box, the service conductor or cable, as the case may be, must terminate in an unobscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.

(11) (a) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables must be laid from the common metering room or rooms to each individual consumer in the blocks of buildings.

(b) Alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.



**30. Metering accommodation**

- (1) (a) The consumer must, if required by the municipality, provide accommodation in an approved position, to the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.
- (b) Such accommodation and protection must be provided and maintained at the cost of the consumer or the owner, as the circumstances may demand, and must 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.
- (c) 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 must be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where 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 must remove it to a new position, and the cost of such removal, which must be carried out with reasonable dispatch, must 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, and no apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved.

**CHAPTER 4: SYSTEMS OF SUPPLY****31. 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.

**32. Load limitations**

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation must 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 must be approximately balanced over the three phases, but the maximum out-of-balance load may 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 may be connected to the electrical installation without the prior approval of the municipality.
- (4) A person who contravenes any provision of this section, commits an offence.

**33. Interference with other persons' electrical equipment**

- (1) No person may 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 must 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 must, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.
- (4) A person who contravenes section (1) commits an offence.

#### 34. Supplies to motors

Unless otherwise approved by the Municipality, the rating of motors is limited as follows:

- (1) **Limited size for low voltage motors:**  
The rating of a low voltage single-phase motor is limited to 2kW, and the starting current may not exceed 70A, and a motor exceeding these limits must 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 must be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm <sup>2</sup> , copper equivalent mm <sup>2</sup>	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 is limited to 1,5 times the rated full-load current of the transformer supplying such a motor, and the starting arrangement for a medium voltage motor is subject to the approval of the municipality.

**35. Power factor**

- (1) If required by the municipality, the power factor of any load must 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 must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer must, at his or her own cost, install such corrective devices.

**36. Protection**

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

**CHAPTER 5: ELECTRICAL CONTRACTORS**

**37. Requirements**

In addition to the requirements of the Regulations the following requirements apply:

- (a) 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;
- (b) the examination, test and inspection that may be carried out at the discretion of the municipality in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from his or her responsibility for any defect in the installation, and 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; and
- (c) the municipality shall not be held responsible for the work done by the electrical contractor or accredited person on a consumer's premises and is not in any way responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

**CHAPTER 6: MISCELLANEOUS PROVISIONS**

**38. Repairs and costs of work**

- (1) 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, and the cost of any such work carried out by the municipality which was necessary due to the contravention of this by-law, is to the account of the person who acted in contravention of this by-law.
- (2) Should a person fail to comply with a requirement made by the municipality in terms of this by-law, the municipality may undertake such work as required and the cost of any such work carried out by the municipality is to the account of the person who failed to comply.

**39. Penalties**

A person who has committed an offence in terms of this by-law is upon conviction liable to –

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**40. Repeal of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**41. Short title and commencement**

This by-law will be known as the Electricity Supply By-law and will come into operation on the date of publication thereof in the Provincial Gazette.

**SCHEDULE 1**  
**Applicable standard specification**  
**(Section 1)**

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.

## No. 263

**BLUE CRANE ROUTE MUNICIPALITY  
FENCES AND FENCING BY-LAW**

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

**TABLE OF CONTENTS**

1. Interpretation
  2. Principles and objectives
  3. Application
  4. Fences
  5. Penalties
  6. Notice of compliance and representations
  7. Costs
  8. Demolition order
  9. Authentication and service of notices and other documents
  10. Appeal
  11. Implementation and enforcement
  12. Saving and transitional provision
  13. Exemptions
  14. Liaison forums in community
  15. Revocation of by-laws
  16. Short title and commencement
- Schedule

**1. Interpretation**

In this by-law, unless the context otherwise indicates –

“alter” includes to cause, allow or permit to be altered;

“boundary” means the real or notional line marking the limits of premises;

“agent”, in relation to the owner of a property, means a person appointed by the owner of the property-

(a) to receive rental or other payments in respect of the property on behalf of the owner; or

(b) to make payments in respect of the property on behalf of the owner;

“erect” includes to cause, allow or permit to be erected;

“fence” means any fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven, lots or stands within the municipal area, and includes a fence which is not erected on a boundary, such as a garden fence or a free-standing wall on an erf, lot or stand;

“ground level” means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;

"municipality" means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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;

"public land" means land the ownership of which is vested in an organ of state;

"repair" has the meaning assigned to it in the Fencing Act, 1963 (Act 31 of 1963).

## 2. Principles and objectives

The Municipality, aware of its duty to provide a safe and healthy environment, in this by-law regulate fencing with the aim of safeguarding its residents and visitors to the area.

## 3. Application

Subject to the provisions of the Fencing Act, 1963 (Act 31 of 1963), the provisions in this by-law relating to an electrical fence, barbed wire and razor wire do not apply to land zoned for agricultural purposes, except where such electrical fence, barbed wire or razor wire is erected on the boundary between the land and public land.

## 4. Fences

(1) No person may, without the consent of the municipality, on a boundary of premises –

- (a) erect a fence which is more than 2 metres in height from ground level;
  - (b) alter or make an addition to an existing fence which is more than 2 metres in height from ground level;
  - (c) erect or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless it–
    - (i) is erected on top of a wall which may not be less than 2 metres high and built of brick, cement, concrete or similar material; and
    - (ii) it complies with the Electrical Machinery Regulations, as published in Government Notice R1593, dated 12 August, 1988; and
  - (d) Erect a barbed-wire fence, railing, or other barrier with spikes or other sharp or pointed protrusions unless it is erected on top of a wall of not less than 2 metres in height
- (2) A person who wishes to obtain the consent of the municipality must submit an application form similar to the form contained

in the Schedule A to the municipality, and the municipality may refuse or grant consent.

(3) Should the municipality refuse permission, it must, on request, supply the applicant in writing with the reasons for the refusal.

(4) Should the municipality grant consent, it may impose conditions, requirements or specifications according to each individual case, and subject to the provisions of SANS Code No. 1372 relating to Prefabricated Concrete Components for Fences, and the consent must be entered in Item C of the form referred to in subsection (2), and a person who has obtained consent, must at the request of an authorised official, immediately produce the form.

(5) A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.

(6) No person may –

(a) without the prior written consent of the municipality demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);

(b) having opened a gate in a fence, leave such gate open or unfastened;

(c) climb over or crawl through a fence without the permission of the owner or occupier of the land;

(d) erect a fence covered with –

(i) canvas, reeds, grass or any combustible material, except poles or split poles, or approved wood, within 4,5

metres of any street; or

(ii) sheet iron, corrugated galvanised iron or any other sheeting along or within 4,5 metres of any street;

(e) allow a fence to fall into disrepair; and

(f) affix to or allow to be affixed to a fence any posters, placards or similar notices, or draw or apply anything on a fence unless it is done so in terms of the Outdoor Advertising By-law.

(7) The municipality may, whenever it appears that, in the interests of safety –

(a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or

(b) the height of a wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to reduce the height of such wall, hedge or fence to a height specified in such order.

(8) A person commits an offence if he or she contravenes a provision of subsections (1) and (6) or fails to produce a form at the request of an authorised official as contemplated in subsection (4).



(9) Should a person fail to comply with a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5) or an instruction issued in terms of subsection (7), the municipality may serve a notice of compliance or a demolition order on the person.

#### 5. Penalties

A person who has committed an offence in terms of this by-law is on conviction liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

#### 6. Notice of compliance and representations

(1) The notice of compliance must state –

- (a) the name and residential or postal address of the affected person;
- (b) the requirement which has not been complied with;
- (c) detailed measures required to remedy the situation;
- (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
- (e) the right to appeal as contained in section 10.

(2) Where a person does appeal and fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the municipality may, irrespective of any penalty which may be imposed under section 5, act in terms of subsection (3).

(3) The municipality may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the municipality in accordance with section 7.

#### 7. Costs

(1) Should a person fail to take the measures required of him or her by a notice of compliance, the municipality may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it remedying the situation from that person and any or all of the following persons:

- (a) the owner of the land, building or premises; or
- (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

(2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality under section 6(3).

(3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

#### 8. Demolition order

- (1) A person on whom a demolition order has been served must demolish the fence and remove the materials.
- (2) Should the municipality demolish a fence, it may dispose of the whole or any part of the materials from any fence by public auction or public tender.
- (3) The municipality may deduct from the proceeds of any materials disposed of the costs of any pulling down, removal or demolition and the costs incurred of disposal and will thereafter pay any balance to the owner of the fence removed or demolished.

#### 9. Authentication and service of notices and other documents

- (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is 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.

#### 10. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

#### 11. Implementation and enforcement

- (1) The municipality may appoint an official to administer the implementation and enforcement of this by-law.
- (2) A person commits an offence if he or she –
  - (a) hinders or interferes with an official in the execution of his or her official duties;
  - (b) falsely professes to be an official;
  - (c) furnishes false or misleading information when complying with a request of an official; or
  - (d) fails to comply with a request of an official.

#### 12. Saving and transitional provision

An owner or occupier whose premises, at the date of commencement of this by-law, do not comply with the provisions of this by-law must, within a period of 6 months, ensure that his or her premises comply with the provisions of this by-law.

#### 13. Exemptions

- (1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
  - (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

**14. Liaison forums in community**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
- (2) A liaison forum may consist of –
  - (a) a member or members of an interest group, or an affected person;
  - (b) a designated official or officials of the municipality; and
  - (c) a councillor.
- (3)
  - (a) The municipality may, when considering an application for consent, permit or exemption in terms of this By-law, request the input of a liaison forum.
  - (b) A liaison forum or any person contemplated in sub section (2) may on own initiative submit an input to the municipality for consideration.

**15. Revocation of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**16. Short title and commencement**

This by-law is called the Fences and Fencing By-law, and commences on the date of publication thereof in the Provincial Gazette.

SCHEDULE A  
(Section 4(2))

APPLICATION TO ERECT FENCE

A. OWNER OR OCCUPIER

Surname and first names of person

.....

I.D. Number .....

Address: Postal address:

.....

.....

Residential address:

.....

.....

.....

.....

Telephone number: Business .....

Residential .....

B. PARTICULARS OF PREMISES AND FENCE

Erf Number .....

Address where the premises can be inspected

.....

.....

**NATURE OF FENCE TO BE ERECTED/ALTERED**

.....  
.....  
.....

**C. ISSUING LOCAL AUTHORITY**

Consent is hereby granted in terms of section 4(4) of the Blue Crane Route Fences and Fencing By-laws that the above-mentioned fence may be erected on above-mentioned premises

Conditions, requirements or specifications in terms of section 4(4):

.....  
.....  
.....  
.....  
.....

**SIGNATURE OF INSPECTOR**

**DATE**

.....

Name of inspector:

.....

Official designation:

.....

No. 264

**BLUE CRANE ROUTE MUNICIPALITY: FUNERAL  
PARLOURS, CEMETERIES AND CREMATORIA BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

Table of contents

1. Interpretation
2. Principles and objectives

**CHAPTER 1: FUNERAL UNDERTAKERS' PREMISES**

3. Applicable legislation

**CHAPTER 2: GENERAL PROVISIONS RELATING TO  
CEMETERIES AND CREMATORIA**

4. Appointment of caretaker
5. Hours of admission for public
6. Children
7. Keeping to path
8. Prohibited conduct within cemetery and crematorium
9. Right of interest in ground

**CHAPTER 3: GENERAL PROVISIONS RELATING TO  
INTERMENT AND CREMATION**

10. Consent required for interment and cremation
11. Interment and cremation times
12. Register
13. Indigent and destitute persons
14. Number of corpses in one coffin

**CHAPTER 4: INTERMENT**

15. Dimensions of graves and apertures
16. Depth of grate
17. Reservation of grave
18. Child's coffin too large
19. Construction material of coffin
20. Number of bodies in one grave
21. Coffin to be covered with earth
22. Religious ceremony
23. Hearse and vehicle at cemetery
24. Instruction of caretaker
25. Music inside cemetery
26. Interment attended by more than fifty people

27. Occupation of chapel or shelter
28. Number on grave

#### CHAPTER 5: EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE

29. Disturbance of mortal remains
30. Time of exhumation
31. Re-opening of grave

#### CHAPTER 6: CARE OF GRAVES

32. Shrubs and flowers
33. Care of grave

#### CHAPTER 7: CREMATION

34. Receptacles and ashes
35. Burial and exhumation of ashes
36. Cremation certificate

#### CHAPTER 8: ERECTION AND MAINTENANCE OF MEMORIAL WORK

37. Consent of Municipality
38. Requirements for erection of memorial work
39. Position, movement and removal of memorial work
40. Repairs to memorial work
41. Supervision of work
42. Damaging of memorial work
43. Conveying of memorial work
44. Vehicle and tools
45. Complying with Municipality's directions
46. Times for bringing in material and doing work
47. Inclement weather
48. Production of written permission
49. Memorial work in crematorium

#### CHAPTER 9: SECTIONS IN CEMETERY

50. Municipality may establish sections
51. Monumental section
52. Garden of Remembrance
53. Heroes Acre
54. Aesthetic section
55. Panoramic section

#### CHAPTER 10: PRIVATE CEMETERIES

56. By-laws apply



57. Establishment and continued use of cemeteries
58. Duties of Proprietors

CHAPTER 11: MISCELLANEOUS

59. Authentication and service of order, notice or other document
  60. Complaint
  61. Notice of compliance and representations
  62. Costs
  63. Appeal
  64. Charges
  65. Penalties
  66. Limitation of liability
  67. Exemptions
  68. Liaison forums in community
  69. Revocation of by-laws
  70. Short title and commencement
- Schedules

1. Interpretation

- (1) In this by-law, unless the context otherwise indicates --
- “adult” means a deceased person over the age of 12 years and where the word is used to define a corpse, a deceased person whose coffin will fit into the grave opening prescribed for adults in section 15;
- “aesthetic section” means a cemetery or section of a cemetery which has been set aside by the Municipality wherein only headstones may be erected;
- “approved” means approved by the Municipality;
- “ashes” means the cremated remains of a corpse;
- “berm” means a concrete base laid at the head of a grave and on which a memorial is erected;
- “burial” means interment in earth, a sepulchre or tomb;
- “burial order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- “caretaker” means the official whom the Municipality appoints from time to time in a supervisory capacity with regard to a cemetery or crematorium;
- “cemetery” means a land or part of a land within the municipal area set aside by the Municipality as a cemetery;
- “child” means a person who is not an adult, and where the word is used to define a corpse, means a deceased person whose coffin will fit into the grave opening prescribed for children in section 18, and includes the corpse of a stillborn child and a foetus;
- “columbarium” means a the place set aside in the basement of a crematorium or chapel containing rows of niches for the purpose of placing receptacles containing the ashes of cremated corpses therein;

- “corpse” means the remains of a deceased person and includes a still-born child and foetus;
- “cremation” means the process whereby a corpse is disposed of by fire;
- “crematorium” means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which a ceremony is conducted and the cremation carried out;
- “cremated remains” means all recoverable ashes after the cremation;
- “exhumation” means the removal of a corpse from its grave;
- “funeral undertaker’s premises” has the meaning assigned to it in regulation 1 of the Regulations;
- “garden of remembrance” means a section of a cemetery or crematorium set aside for the erection of memorial work or a wall of remembrance;
- “grave” means a piece of land, within a cemetery or heritage site, excavated for the burial of a corpse and includes the headstone, number or marker of and a structure on or associated with the grave;
- “heroes acre” means an area of land set aside for the burial of a hero;
- “medical officer of health” means the officer appointed by Municipality or any other person acting in the capacity of the medical officer of health;
- “memorial section” means a section of a cemetery set aside for the erection of memorials;
- “memorial work” means any headstone, monument, plaque, other work or object, erected or intended to be erected in a cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;
- “municipality” means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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;
- “niche” means a compartment in a columbarium or wall of remembrance for the placing of ashes;
- “ordinance” means the Crematorium Ordinance, 1965 (Ordinance No. 18 of 1965);
- “panoramic section” means a section in a cemetery set aside by the Municipality where memorial work is restricted to a plaque or memorial slab;
- “prescribed” means prescribed by the Municipality;
- “prescribed fee” means a fee determined by the Municipality in its Customer Care and Revenue Management By-law;
- “private cemetery” means a cemetery of which is used as a cemetery but which has not been set aside as such by the Municipality;

“Regulations” means the Funeral Undertakers’ Premises, made under sections 33 and 39 of the Health Act, 1977 (Act 63 of 1977), and published as Government Notice No. 237 of 8 February 1985;  
 “tomb” means an above ground burial vault;  
 “wall of remembrance” means a structure (in a cemetery) which contains niches in which urns containing ashes can be stored.

**2. Principles and objectives**

The purpose of this By-law is to control funeral undertaker's premises, to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a corpse by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

**CHAPTER 1: FUNERAL UNDERTAKERS' PREMISES**

**3. Applicable legislation**

The National Building Regulations and Building Standards Act, 1977 apply in respect of funeral undertaker's premises.

**CHAPTER 2: GENERAL PROVISIONS RELATING TO CEMETERIES AND CREMATORIA**

**4. Appointment of caretaker**

- (1) The Municipality may appoint a caretaker for each cemetery or crematorium to control and administer the cemetery or crematorium.
- (2) The caretaker must take into account the customs of the deceased person and the people responsible for the burial or cremation and must accommodate these within the framework of this by-law.

**5. Hours of admission for public**

- (1) Every cemetery is open to the public during the following hours: 8:00 and 17:00, however, if it is in the interest of the public, the Municipality may close to the public a cemetery or crematorium or part thereof for such periods as the Municipality deems necessary.
- (2) No person, excluding workers or persons with permission, may be in or remain in a cemetery or crematorium or part thereof before or after the hours mentioned in sub-section (1) or during a period when it is closed to the public.
- (3) A person who contravenes subsection (2) commits an offence.

**6. Children**

- (1) No child under 12 years of age may enter a cemetery or crematorium unless he or she is under the care of a responsible person.

(2) A person who allows a child to enter a cemetery or crematorium in contravention of subsection (1), commits an offence.

#### 7. Keeping to path

Except for purposes permitted by this by-law, a person may only use a path provided in the cemetery, and failure to do so constitutes an offence.

#### 8. Prohibited conduct within cemetery and crematorium

(1) No person may in a cemetery or crematorium -

- (a) cause a nuisance;
- (b) ride an animal or cycle without permission of the caretaker
- (c) allow an animal to wander;
- (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in a demonstration;
- (f) interrupt during the performance of his or her duties an official, workman or labourer employed by the Municipality;
- (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled under this by-law to make;
- (h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other structure;
- (i) use water for any form of gardening without the permission of the caretaker;
- (j) plant trees, flowers or shrubs on or between graves;
- (k) leave any rubbish, soil, stone, debris or litter;
- (l) in any way damage or deface any part of a cemetery, crematorium, grave or memorial work.
- (m) enter or leave except by an entrance provided for the purpose;
- (n) solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement;
- (o) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
- (p) enter an office, building or fenced place, except in connection with lawful business;
- (q) with the exception of a blind person, bring an animal; and
- (r) expose a corpse or a part thereof

(2) A person who contravenes a provision of subsection (1) commits an offence.

#### 9. Right of interest in ground

(1) No person will acquire any right to or interest in any ground or grave in a cemetery, other than those that may be obtainable under this By-law.

- (2) The Municipality may, on payment of the prescribed fee, sell to a person the use of a grave in a section of a cemetery for a period not exceeding 20 years.
- (3) (a) The Municipality may set aside different areas in a cemetery for exclusive use by different religious or cultural groups.
- (b) The Municipality may promote the environmental advantages of cremation as an alternative to burial
- (c) The Municipality may, if compelled to do so by environmental considerations, such as shortage of land for burial, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be cremated instead of interred.

### CHAPTER 3: GENERAL PROVISIONS RELATING TO INTERMENT AND CREMATION

#### 10. Consent required for interment and cremation

- (1) No person may inter a corpse in a cemetery or have it cremated in a crematorium without the prior written consent of the caretaker.
- (2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the caretaker an application in writing together with –
- (a) the prescribed fee;
- (b) a death certificate;
- (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992,
- and the caretaker may not approve the application unless all of the above requirements are met.
- (3) An application must be submitted to the caretaker, in respect of –
- (a) an interment where the Municipality is responsible for the digging of the grave, not later than 15:00 on the day before the intended interment or, where the grave exceeds the standard size, not later than 15:00 two days before the intended interment; and
- (b) a cremation, not later than 15:00 on the day before the intended cremation.
- (4) Should any alteration be made in the day or hour previously fixed for an interment or cremation, or an interment or cremation be cancelled, in the instance where the Municipality is responsible for the digging of a grave, notice of the alteration must be given to the caretaker at least six hours before the time fixed for the interment or cremation, and no refund will be made on monies paid in respect of the opening of an existing grave.
- (5) The application contemplated in subsection (2) must be signed by the nearest surviving relative of the deceased person, however, if the caretaker is satisfied that the signature of the nearest surviving relative cannot be

obtained timeously, or for any other valid reason, he or she may grant an application signed by any other interested person.

(6) A person who disposes of a corpse in contravention of subsection (1) or who contravenes subsection (5) commits an offence.

#### **11. Interment and cremation times**

(1) An interment and cremation may take place between 08:00 and 17:00.

(2) Despite the provisions of subsection (1), the caretaker may permit interment or cremation outside the times contemplated in subsection (1) in which case the Municipality may levy an additional fee.

(3) A person who interms or cremates a corpse in contravention of the provisions of subsection (1) commits an offence.

#### **12. Register**

The caretaker must keep a record of all interments, and the record must contain:

- (a) The particulars of the person who requested the interment or cremation;
- (b) the particulars of the deceased person such as the name, address, and identification number;
- (c) the date of the interment or cremation; and
- (d) in the instance of an interment, the number of the grave.

#### **13. Indigent and destitute persons**

(1) A person may apply to the Municipality for the burial or cremation of the corpse of an indigent person and must provide proof that the deceased was granted the status as indigent person by the Municipality and the Municipality may decide if the corpse is to be buried or cremated.

(2) Subject to the provisions of section 48 of the Health Act, 1977, and section 10 of the Human Tissue Act, 1983, the corpse of a destitute person or an unclaimed corpse may be buried or cremated according to conditions determined by the Municipality.

(3) Where a corpse of an indigent person is cremated, the caretaker of the crematorium must retain the ashes, and should the ashes not be claimed, bury the ashes in a grave.

#### **14. Number of corpses in one coffin**

(1) Subject to the provisions of subsection (2), only one corpse may be contained in a coffin.

(2) More than one corpse may be contained in one coffin if the consent of the caretaker has been obtained and the prescribed fee has been paid, in the case of—

- (a) a mother and child who died during childbirth; or
- (b) family members who —

- (i) died together; or
  - (ii) died a short while after each other, and the burial or cremation of the first dying member has not yet taken place.
- (3) A person who contravenes a provision of subsection (1) or who fails to obtain the consent as contemplated in subsection (2) commits an offence.

#### CHAPTER 4: INTERMENT

##### 15. Dimensions of graves and apertures

- (1) The standard dimensions of a grave are as follows:
- (a) Adult:
    - (i) Single grave: Length: 2200 mm; Width: 900 mm.
    - (ii) Double grave: Length: 2200 mm; Width: 2700 mm.
  - (b) Child:  
Single grave: Length: 1500 mm; Width: 700 mm.
- (2) Any person requiring a larger grave than the dimensions set in subsection (1) must, when submitting an application in terms of section 10, specify the measurements of the coffin, and pay the fee prescribed by the Municipality for enlarging the hole.
- (3) A person, other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1), commits an offence.

##### 16. Depth of grave

- (1) An adult's grave is 1900 mm in depth and that of a child 1500 mm in depth.
- (2) A person, other than an employee of the Municipality, who digs a grave in contravention of the dimensions stipulated in subsection (1) commits an offence.

##### 17. Reservation of grave

- (1) A person desiring to reserve the use of a grave must submit an application to the caretaker and pay the prescribed fee
- (2) A restriction may be placed on the reservation of graves, and reservations will only be accepted for adult graves in the monumental section as stated in subsection (3).
- (3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.
- (4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivor, however, subject to the provisions of section 14(2), the interment of the survivor may be permitted in the same grave.

(5) Where another person, other than the applicant, has mistakenly used a grave, the caretaker must allocate another grave in the cemetery to the applicant.

**18. Child's coffin too large**

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

**19. Construction material of coffin**

(1) A coffin interred in a grave must be constructed of wood or biodegradable material.

(2) A person who interrs a coffin in contravention of subsection (1) commits an offence.

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

Subject to the provisions of section 14(2), more than one corpse may be interred in a single grave.

**21. Coffin to be covered with earth**

The person responsible for an interment must ensure that a coffin, upon being placed in a grave, is covered without delay with at least 300 mm of earth, and failure to do so constitutes an offence.

**22. Religious ceremony**

The members of a religious denomination may conduct, during the interment and at the grave, a religious ceremony in connection with an interment or memorial service.

**23. Hearse and vehicle at cemetery**

(1) No hearse or other vehicle may enter a cemetery without the prior permission of the caretaker having been obtained.

(2) No hearse or other vehicle may enter a cemetery other than by the routes set aside for that purpose.

(3) A person who contravenes subsections (1) or (2) commits an offence.

**24. Instruction of caretaker**

A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker, and failure to do so constitutes an offence.

**25. Music inside cemetery**

(1) Singing and music is allowed in a cemetery, in which case the prior permission of the caretaker must be obtained.



(2) A person who contravenes subsection (1) commits an offence.

**26. Interment attended by more than fifty people**

Where it is probable that more than 50 people will be present at an interment, the municipality may require that the caretaker be notified.

**27. Occupation of chapel or shelter**

(1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 45 minutes.

(2) A person who contravenes subsection (1) commits an offence.

**28. Number on grave**

(1) No person may inter a corpse in a grave on which the number of the grave has not been appropriately marked.

(2) A person who contravenes subsection (1) commits an offence.

**CHAPTER 5: EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE**

**29. Disturbance of mortal remains**

(1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 and the provisions of any other Act relating to the exhumation of corpses –

(a) no corpse or mortal remains or ground surrounding it in a cemetery may be disturbed;

(b) no grave may be re-opened; and

(c) no corpse may be removed from a grave,

without the written consent of the Municipality.

(2) The prescribed fee for exhumation must be paid to the municipality at least two days before the date fixed for the exhumation or removal of the corpse.

(3) A person who contravenes subsections (1) commits an offence.

**30. Time of exhumation**

(1) No person may exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.

(2) A person who contravenes subsection (1) commits an offence.

**31. Re-opening of grave**

(1) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless –

(a) the grave was initially made deeper for this purpose;

(b) if not made deeper, then only after 10 years have passed since the interment of the first corpse;

- (c) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm;
  - (d) the consent contemplated in section 29(1) has been obtained; and
  - (e) the fee prescribed by the Municipality has been paid.
- (2) A person who contravenes a provision of subsection (1)(a) to (d) commits an offence.
- (3) The Municipality has the right to re-open a grave for the purpose of establishing, by reading the inscription on the coffin, the identity of the corpse.

## CHAPTER 6: CARE OF GRAVES

### 32. Shrubs and flowers

The Municipality may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

### 33. Care of grave

- (1) The maintenance of a grave is the responsibility of the person contemplated in section 9(2).
- (2) The Municipality may, on application by a person contemplated in subsection 9(2) and upon payment of the fee and subject to conditions prescribed by the Municipality, maintain any grave.
- (3) The Municipality may at its discretion undertake to keep, at its own expense, any grave in order for any period.

## CHAPTER 7: CREMATION

### 34. Receptacles and ashes

- (1) Unless the ashes are to be buried by the Municipality, the person contemplated in section 10(2) must provide a receptacle, on which the full name of the deceased person is indicated.
- (2) The ashes must, after the cremation, be collected by the person contemplated in section 10(2), and should he or she fail to collect the ashes, the ashes will be dealt with in terms of section 35(1)..
- (3) Where a receptacle is intended to be placed in a niche in the columbarium –
- (a) it must –
    - (i) be made of wood or stone; and
    - (ii) be of a size and design as to fit into the niche; and
  - (b) if the niche is not meant to be sealed, have affixed to it a plate on which the full name of the deceased person is inscribed.

**35. Burial and exhumation of ashes**

- (1) In the absence of an arrangement between the caretaker and the person contemplated in section 34 regarding the ashes, the caretaker may bury or scatter the ashes in a garden of remembrance, where such facility is available.
- (2) A person may deposit ashes in a –
  - (a) grave; or
  - (b) niche in a –
    - (i) columbarium;
    - (ii) wall of remembrance; or
    - (iii) memorial work.
- (3) A person must obtain the consent of the caretaker if he or she wishes to –
  - (a) bury ashes in a grave;
  - (b) exhume ashes from a grave; or
  - (c) scatter ashes,
 and the caretaker must, on receiving payment of the prescribed fee –
  - (i) give written consent to the applicant to bury, exhume or scatter the ashes; and
  - (ii) in the instance of burial or exhumation, prepare the grave for burial or exhumation.
- (4) A grave for the burial of ashes or a niche in a columbarium must measure 610 mm in length, 610 mm in width, and 610 mm in depth.

**36. Cremation certificate**

- (1) On completion of a cremation, the caretaker must supply a cremation certificate to the person contemplated in section 34(1).
- (2) The caretaker must, on application and after receipt of the prescribed fee, issue a duplicate cremation certificate to a person.

**CHAPTER 8: ERECTION AND MAINTENANCE OF MEMORIAL WORK**

**37. Consent of Municipality**

- (1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Municipality.
- (2) When erecting a memorial work, the municipality may require the submission of the following:
  - (a) A plan which gives an indication of the measurements and the position;
  - (b) specification of the material of which the memorial work is to be constructed; and

- (c) the wording of the epitaph.
- (3) The plan must be submitted 30 days before the erection commences, and must be accompanied by the prescribed fee, and the Municipality may impose conditions.
- (4) No person may bring any material for the construction of memorial work into a cemetery unless the provisions of subsection (1) to (3) have been complied with and unless all charges due in respect such grave have been paid.
- (5) The Municipality's consent of the proposed work is valid for six months only, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.
- (6) The grave number must be indicated, in clearly legible figures of 30 mm in size.
- (7) A person who contravenes a provision of subsection (1) or (4) commits an offence.

**38. Requirements for erection of memorial work**

- (1) A person erecting a memorial work must comply with the following:
- (a) he or she must be in possession of a plan approved by the Municipality;
  - (b) conditions imposed in terms of section 37(3) must be complied with;
  - (c) no damage may be caused to any structure and no offence may be given;
  - (d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900 mm in length, 250 mm in width and 250 mm in height for a single grave, and not more than 2700 mm in length, 250 mm in width, and 250 mm in height for a double grave;
  - (e) with the permission of the next of kin, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
  - (f) tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.
- (2) A person who does not comply with a provision in subsection (1) commits an offence.

**39. Position, movement and removal of memorial work**

- (1) No person may erect a memorial work on a grave before the position has been indicated by the Municipality.
- (2) Should the provisions of subsection (1) not be complied with the Municipality has the right to alter the position of the memorial work and to recover the costs from the person who erected the memorial work.
- (3) Where a memorial work has originally been placed in a certain position with the express consent of the Municipality or its employee, any alteration of the position in terms of the provisions of this section is executed at the expense of the Municipality.
- (4) Memorial work in conflict with the provisions of this By-law may be removed, after due notice, by the Municipality at the cost of the person who erected the memorial work, and without payment of any compensation.

**40. Repairs to memorial work**

If the person who erected a memorial work allows it to fall into such a state of disrepair that it may cause danger or deface the cemetery, the Municipality may serve a Notice of Compliance, as contemplated in section 61, on such person.

**41. Supervision of work**

A person engaged in work in a cemetery is under the supervision of the caretaker, and failure to follow his or her instructions constitutes an offence.

**42. Damaging of memorial work**

Unless due to the negligence of its employees, the Municipality is not responsible for any damage to a memorial work.

**43. Conveying of memorial work**

- (1) No person may convey any stone, brick or memorial work in a cemetery upon a vehicle or truck which may cause damage to the paths or grounds or structures of the cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

**44. Vehicle and tools**

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances do not block any road, and failure to do so constitutes an offence.

**45. Complying with Municipality's directions**

A person carrying on work within a cemetery must in all respects comply with the directions of the Municipality, and failure to do so constitutes an offence.

**46. Times for bringing in material and doing work**

- (1) No person may bring material into or do any work, other than the dismantling of memorial work for burial purposes, within a cemetery except during the following hours: Mondays to Fridays between the hours of 7:00 and 18:00.
- (2) No person may engage in work which may be disturbing or disruptive while a funeral is in progress.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

**47. Inclement weather**

- (1) No person may fix or place any memorial work while the soil is in an unsuitable condition.
- (2) A person who contravenes subsection (1) commits an offence.

**48. Production of written permission**

A person engaged in work or on his or her way to or from work within the cemetery must, upon demand from the Municipality or its authorized official, produce the written consent issued in terms of section 37, and failure to do so constitutes an offence.

**49. Memorial work in crematorium**

- (1) Unless a corpse was cremated in the crematorium, or a cremation certificate issued by another crematorium is submitted, no person may, without the consent of the caretaker first having been obtained, erect a memorial work in a crematorium.
- (2) A memorial work –
  - (a) if erected in a garden of remembrance –
    - (i) must be made of marble or granite; and
    - (ii) may not exceed a size of 250 mm in width, 305 mm in length, and 25 mm in thickness;
  - (b) if intended to seal a niche, must conform in size and material to the memorial work next to it and may have a photograph of the deceased person affixed to it; or
  - (c) erected on a grave, may not exceed 1,2 m in height, 610 mm in length, and 610 mm in width.
- (3) A person who erects a memorial work in contravention of subsection (1) or who contravenes a provision of subsection (2) commits an offence.

**CHAPTER 9: SECTIONS IN CEMETERY****50. Municipality may establish sections**

- (1) The Municipality may establish one or more of the following sections in a cemetery:
  - (a) Monumental section;

- (b) garden of remembrance;
- (c) heroes acre;
- (d) aesthetic section; or
- (e) panoramic section.

**51. Monumental section**

- (1) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 38 must be complied with and that the following measurements may not be exceeded:
- (a) Height: 2000 mm.
  - (b) Width: 900 mm in case of a single grave, and 700 mm in case of a double grave.
  - (c) Thickness: 250 mm.
- (2) A person commits an offence if he or she exceeds the measurements stipulated in subsection (1);

**52. Garden of Remembrance**

- (1) This section contains the wall of remembrance with niches, and a garden area in which plaques can be erected.
- (2) A container intended to be placed in a niche may not exceed 300 mm x 150 mm x 150 mm in size.
- (3) Flowers and wreaths may only be placed on the places provided therefore.
- (4) A person who contravenes a provision of subsection (2) or (3) commits an offence.

**53. Heroes Acre**

- (1) A heroes' acre consists of a structure erected for the purpose and contains no corpse but is a memorial only.
- (2) No person may erect such structure without the written approval of the Municipality.
- (3) The size of the structure must be 500 mm x 350 mm and must be manufactured from a non-corrodible metal or masonry.
- (4) A person who inter a corpse in contravention of subsection (1) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

**54. Aesthetic section**

- (1) Only a headstone may be erected, and a slab may not be erected on, and a kerb may not be erected around a grave.
- (2) The dimensions of a headstone are as follows:
- (a) Adult's grave:
    - (i) Single grave: 900 mm in length by 260 mm in width.
    - (ii) Double grave: 2200 mm in length by 260 mm in width.

- (b) Child's grave:
  - (i) Single grave: 610 mm in length by 260 mm in width.
  - (ii) Double grave: 1200 mm in length by 260 mm in width.
- (3) No headstone may exceed a height of 1500 mm above the berm.
- (4) A person who contravenes a provision of this section commits an offence.

#### 55. Panoramic section

- (1) Only a plaque may be embedded, and it must be –
  - (a) made of marble, granite or stainless steel or other non-corrosive metal materials;
  - (b) 500 mm in length, 500 in width, and 30 mm thick.
  - (c) embedded –
    - (i) 30 mm below the level of the grass;
    - (ii) horizontally on ground level; and
    - (iii) on a concrete foundation.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

### CHAPTER 10: PRIVATE CEMETERIES

#### 56. By-laws apply

The provisions of this by-law apply mutatis mutandis to private cemeteries.

#### 57. Establishment and continued use of cemeteries

- (1) No person may, without the prior consent of the Municipality establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the Municipality, continue to use the existing cemetery for burial purposes.
- (2) A person who wishes to apply for the Municipality's consent to establish a cemetery or use as cemetery as contemplated in subsection (1), must submit a written application to the Municipal Manager together with –
  - (a) a locality plan to a scale of not less than 1: 10 000 which shows –
    - (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated;
    - (ii) the registered description of the site;
    - (iii) all streets, public places and privately-owned property within a distance of 100 metres of the site;
  - (b) a "block" plan to a scale of not less than 1: 500 showing the position of external boundaries, internal roads and paths, sub-



- divisions, grave sites, drainage and any buildings existing or proposed to be erected;
- (c) a plan and sections to a scale of not less than 1: 100 of any building existing or proposed to be erected, and which must in this case conform with the National Building Regulations and the Water Services and Sanitation By-laws of the Municipality;
  - (d) a list of registers or records kept or proposed to be kept with reference to –
    - (i) identification of graves;
    - (ii) sale or transfer of grave sites; and
    - (iii) interments;
  - (e) the full name and address of the proprietor;
  - (f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery and whether such land is subject to any mortgage or trust; and
  - (g) a schedule of the burial fees proposed to be charged or actually in force.
- (3) On receipt of an application the Municipal Manager must publish a notice in one or more newspapers circulating in its area stating the nature of the application and specifying a date, being not less than 30 days after the date of publication of the notice, by which objections to the granting of an application may be lodged with the Municipality.
- (4) The Municipality may, upon receipt of the payment by the applicant of the prescribed fee and if satisfied after consideration of the application and any objections which may have been lodged that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise, in writing grant consent for the establishment of the private cemetery or the continued use of the private cemetery.
- (5) No departure from the plans as approved are permitted without the written prior approval of the Municipality.
- (6) A person who contravenes a provision of subsection (1) or (5) commits an offence.

#### 58. Duties of Proprietors

- (1) The proprietor of a private cemetery, approved by the municipality, must –
- (a) comply with any conditions imposed by the Municipality;
  - (b) keep a record which shows –
    - (i) the number of each grave site and the ownership of the site; and
    - (ii) the number of interments in each grave site and the name, age, gender, last known address, date and cause of death of the deceased;

- (c) maintain the grounds, fences, gates, roads, paths and drains in good condition and clear of weeds and overgrowth;
  - (d) provide for the identification of grave sites by subdividing the cemetery into blocks and –
    - (i) each block must be demarcated by means of signs showing the number and situation of each block;
    - (ii) the graves or grave sites in each block must be separately numbered by means of durable number plates; and
    - (iii) all signs and number plates must be maintained in a neat and legible condition;
  - (e) allow an official to enter or inspect the cemetery and all records kept in connection therewith;
  - (f) render a monthly return to the municipal manager on or before the 7th day in each month of all burials, which sets out the –
    - (i) name, last known address, age, sex, date and cause of death of each deceased person interred in the cemetery;
    - (ii) name of the medical practitioner who issued the death certificate;
    - (iii) authority who issued the burial order;
    - (iv) block and grave site number;
    - (v) date of burial; and
    - (vi) particulars of a change in the identity of the caretaker or of a person newly appointment;
- (2) A person who contravenes a provision of subsection (1) commits an offence.

## CHAPTER 11: MISCELLANEOUS

### 59. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication by the Municipality is considered duly authenticated when signed by an official duly authorized to do so.
- (2) Any notice or other document that is served on a person in terms of this by-law, is regarded as having been served -
- (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it

- has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate.
- (4) Service of a copy shall be deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

#### 60. Complaint

A person wishing to lodge a complaint must lodge it in writing with the Municipal Manager.

#### 61. Notice of compliance and representations

- (1) A notice of compliance served in terms of section 40 must state -
- (a) the name and residential and postal address, if either or both of these be known, of the person;
  - (b) the nature of the state of disrepair;
  - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
  - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
  - (f) that written representations, as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) above, be made to Municipality at a specified place.
- (2) The Municipality, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to -
- (a) the principles and objectives of this by-law;
  - (b) the state of disrepair;
  - (c) any measures proposed by the person on whom measures are to be imposed; and
  - (d) any other relevant factors.

- (3) A person may within the time period contemplated in paragraph (1)(f) make representations, in the form of a sworn statement or affirmation to Municipality at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Municipality condones the late lodging of the representations.
- (5) The Municipality may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Municipality must also consider the further response.
- (6) The Municipality must, after consideration of the representations and any responses received, make an order in writing and serve a copy of it on the person.
- (7) The order must -
- (a) set out the findings of Municipality;
  - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
  - (c) specify a period within which the person must comply with the order made by Municipality.
- (8) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Municipality will inform the person that he or she -
- (a) must discharge the obligations set out in the notice; or
  - (b) may elect to be tried in court.
- (9) If the person elects to be tried in court he or she must, within seven calendar days, notify the Municipality in writing of his or her intention to be so tried.
- (10) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.
- (11) Where there has been no compliance with the requirements of a notice, the Municipality may take any steps necessary to repair the monumental work and recover the costs in accordance with section 62.

## 62. Costs

Should a person fail to take the measures required of him or her by notice, the Municipality may recover all costs incurred as a result of it acting in terms of paragraph 61(11) from the person.

## 63. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government:

Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**64. Charges**

Should a person fail to pay a prescribed fee, the Municipality may act in accordance with the provisions of its Customer Care and Revenue Management By-law.

**65. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to 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.

**66. Limitation of liability**

The Municipality is not liable for any damage or loss caused by the exercise or failure to exercise any power or the performance of any duty in good faith under this By-law.

**67. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may grant or refuse an application for exemption or impose conditions and it may alter or cancel any exemption or condition in an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

**68. Liaison forums in community**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating conditions for a local community to participate in the affairs of the municipality;
  - (b) encouraging a local community to participate in the affairs of the municipality; and
  - (c) promoting the burial or cremation of the dead in a dignified manner.
- (2) A liaison forum may consist of –

- (a) a member of members of an interest group, or an affected person;
  - (b) a member or members of a community in whose immediate area a cemetery or crematorium exists;
  - (c) a designated official or officials of the municipality; and
  - (d) the councillor responsible for cemeteries.
- (3) (a) The municipality may, when considering an application for consent, permit or exemption certificate in terms of these By-laws, where applicable, request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative, submit an input to the municipality for consideration.

**69. Revocation of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**70. Short title and commencement**

This By-law may be cited as the Funeral Parlours, Cemeteries and Crematoria By-law, and commences on the date of publication thereof in the Provincial Gazette.

No. 265

**BLUE CRANE ROUTE MUNICIPALITY  
IMPOUNDMENT OF ANIMALS BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

Table of contents

1. Definitions
2. Purpose of by-law
3. Impoundment
4. Pound to which animals are to be sent
5. Receiving of animals by pound master
6. Receipt for impounded animals
7. Number of enclosures
8. Destruction of dangerous or contagious animals
9. Notice of impounded animals
10. Keeping of pound register
11. Inspection of and extracts from pound register
12. Submission of pound register entries after pound sales
13. Inspection of pound register at place of sale
14. Pound master's fees
15. Fees payable
16. Notice of sale
17. Auctioneer
18. Sale of animals
19. Illegal impounding and penalties
20. Recovery of loss in respect of impoundment of animals from area of another municipality
21. Use, detention and ill-treatment of animals
22. Appeal
23. Offences and penalties
24. Revocation of by-laws
25. Short title and commencement

**1. Definitions**

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

"animal" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"cattle" means bulls, cows, oxen, heifers, steers and calves;

"goat" means an adult male or female goat, a wether and a kid;

"horse" means a stallion, mare, gelding, colt, filly, donkey and mule;

"municipality" means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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 any person in actual occupation of land or entitled as owner to occupy land;

"owner", in relation to an animal, includes any person having possession, charge, custody of control of such animal;

"pound" means a fenced-off area consisting of one or more camps, established by the municipality and placed under the control of a pound master, for the housing and care of animals which are astray, lost or at large;

"pound master" means a person who may be –

- (a) a part-time or full-time employee of a municipality, or
- (b) appointed under a service delivery agreement to keep and operate a pound;

"proprietor" means any owner, lessee, or occupier of land;

"sheep" means a ram, an ewe, a wether and a lamb;

"stallion" means a male horse, donkey or mule not castrated or partially castrated;

"veterinary surgeon" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

## **2. Purpose of by-law**

The purpose of this by-law is to provide facilities for the housing and care of animals which are astray, lost or at large and for procedures, methods and practices to manage the impoundment of such animals.

## **3. Impoundment**

Any person may impound an animal found abandoned upon his property or any street, road, road reserve or other public place.

## **4. Pound to which animals are to be sent**

Any person upon whose land an abandoned, lost or stray animal is found, may deliver such animal to the nearest pound or such other pound designated by the municipality.

## **5. Receiving of animals by pound master**

(1) It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.

(2) Any pound master who unreasonably refuses or fails to receive animals brought to his or her pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.

## **6. Receipt for impounded animals**

A pound master must give the person delivering an animal into his or her charge a written receipt, indicating the number and description of animals so delivered.

## **7. Number of enclosures**

The municipality must maintain in good repair and, as far as possible, free from all infection, separate enclosures for-

- (a) ostriches and horses;
- (b) cattle;
- (c) sheep, goats and pigs;
- (d) dogs; and
- (e) cats,

provided that the municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.



**8. Destruction of dangerous or contagious animals**

- (1) A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, provided that no such animal may be destroyed unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its destruction.
- (2) If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals.

**9. Notice of impounded animals**

- (1) A pound master who knows the name of the owner of an animal impounded in his or her pound must forthwith give written notice to such owner that the said animal has been impounded.
- (2) If any animal, bearing an identification mark as contemplated in the Animal Identification Act, 6 of 2002, is impounded, the pound master must follow the procedures set out in section 14 of the Animal Identification Regulations promulgated under GN R1683 dated 21 November 2003.
- (3) Where the owner of an impounded animal is not known to the pound master, or he or she must upon receipt of such animal report the impoundment to the nearest South African Police Services office.

**10. Keeping of pound register**

- (1) A pound master must keep a pound register with the following particulars:
  - (a) the date when, and the cause for which, all animals received by him are impounded;
  - (b) the number and description of such animals;
  - (c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
  - (d) the date and particulars of the release or sale of the animals, as the case may be; and
  - (e) any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.
- (3) In case of the death of injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death of injury.

**11. Inspection of and extracts from pound register**

A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorised officer of the municipality, veterinary surgeon, any member of the police service or the public.

**12. Submission of pound register entries after pound sales**

A pound master must, within 14 days after the date of each pound sale, submit to the municipality a copy of all entries in his or her pound register made since the date of the preceding submission, and the municipality must preserve all such copies for inspection by any person desirous of seeing them.

**13. Inspection of pound register at place of sale**

Whenever a sale of impounded animals is to take place, the pound master or a person authorised to conduct the sale, must keep the pound register at the place of sale, and such register must be open for inspection, free of charge, to all persons desirous of inspecting it.

**14. Pound master's fees**

- (1) The municipality may fix fees for the keeping of animals in a pound and may distinguish between different kinds of animals.
- (2) Every pound master is entitled to claim the fees determined by the municipality in terms of subsection (1) for every animal impounded by him or her in terms of this by-law.

**15. Fees payable**

- (1) The fees determined in terms of section 14 must be paid to the pound master by the owner of the animals impounded.
- (2) The impounded animals may be detained by the pound master in security of payment of the fees and any costs which the pound master may have incurred, provided that if the value of the animals impounded is in excess of the total amount due thereon, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.
- (3) A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him or her on account of such retention.
- (4) If the pound master is an official of the municipality, he must pay the fees received by him or her in terms of this by-law into the revenue of the municipality, the frequency of which will be determined by the department responsible for finance.
- (5) No pound master may release any impounded animal until the prescribed fees have been paid to him or her.

**16. Notice of sale**

- (1) Every pound master must –
  - (a) whenever any impounded animal has not been released within six days from the date of its impoundment, notify the municipality that such animal will be sold by public auction and the date, time and place of such auction;
  - (b) provide the municipality with detail regarding the species, colour, marks and distinguishing features of such animal;
  - (c) post a copy of the notice at a noticable place at the pound, there to remain until the day of the sale; and
  - (d) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated, a notice of the sale.
- (2) The cost of a notice in terms of subsection (1)(a) is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal.
- (3) If the said proceeds are less than the amount due, and the owner of the animal sold is unknown, the municipality shall make good the deficiency.

**17. Auctioneer**

- (1) Every sale of impounded stock must –
  - (a) be conducted by the pound master or some other person duly authorised thereto by the municipality; and

(b) commence at the time and date mentioned in the notice in terms of section 16(a).

(2) No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him or her.

**18. Sale of animals**

At every such sale-

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may not be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other costs incurred must be handed by the pound master to the municipality, to be paid to the owners of the animals sold; provided that -
  - (i) if in any particular case the sale does not realise sufficient to cover the pound fees due, the proceeds must be first utilised for payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the municipality;
  - (ii) any money, being the proceeds of the sale of any impounded animal, not being claimed by the owner of such animal within twelve months from the date of sale, accrues to the municipality;
- (e) the municipality may fix a reserve price for any animal offered for sale; and
- (f) the auctioneer may withdraw any animal from the sale if the highest bid received is not satisfactory, irrespective of whether a reserve price has been fixed by the municipality.

**19. Illegal impounding and penalties**

Any person who illegally impounds any animal commits an offence.

**20. Recovery of loss in respect of impoundment of animals from area of another municipality**

Any loss suffered by the municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered from such other municipality.

**21. Use, detention and ill-treatment of animals**

No person may furiously drive or ill-treat any animal found trespassing.

**22. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**23. Offences and penalties**

Any person who -

- (a) contravenes or fails to comply with a provision of this by-law;

- (b) deliberately obstructs or interferes with any person in the exercise of any power or the performance of any duty or function in terms of this by-law; or
- (c) furnishes false, incorrect or misleading information, commits an offence and is liable upon conviction to –
  - (i) a fine or imprisonment, or either such fine or imprisonment, or to both such fine and such imprisonment; and
  - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment, or to such additional imprisonment without the option of a fine, or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**24. Revocation of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**25. Short title and commencement**

This by-law shall be known as the Impoundment of Animals By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

No. 266

## BLUE CRANE ROUTE MUNICIPALITY LIQUOR TRADING HOURS BY-LAW

Under the provisions of sections 22(2)(d) and 42(b) of the Eastern Cape Liquor Act, 2003 (Act 10 of 2003), the Blue Crane route Municipality, enacts as follows:-

### TABLE OF CONTENTS

1. Definitions
  2. Purpose of By-law
  3. Application of By-law
  4. Ward committee consultative meetings
  5. Hours of trading
  6. Selling of liquor at other times
  7. Liaison forums
  8. Exemptions
  9. Appeal
  10. Penalties
  11. Short title and commencement
- Schedules

#### 1. Definitions

In this by-law, unless the context otherwise indicates –

"Act" means the Eastern Cape Liquor Act, 2003 (Act 10 of 2003);

"Liquor Board" means the Eastern Cape Liquor Board established by section 4 of the Act;

"municipality" means the Municipality of Blue Crane route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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;"

"publish" in respect of the provisions of section 5(1) means-

(a) to publish a notice in the Provincial Gazette and local newspapers;

and

(b) to display the notice so published on the notice boards of the municipality;

"registered premises" means premises on or from which a trader conducts his or her business;

"Regulations" means the regulations, published as Notice No. 1143 of 8 April 2004, made under the Act;

"trader" means a person who is registered in terms of section 19 of the Act,

and any other word or expression to which a meaning has been assigned in the Act and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), carries that meaning.

## 2. Purpose of By-law

The municipality adopts this by-law with the aim of regulating the hours during which liquor may be sold.

## 3. Application of By-law

This by-law apply to all premises situated within the municipality's jurisdiction on which liquor is traded.

## 4. Ward Committee consultative meetings

(1) A Ward Committee must, upon receipt of a notice of application for registration, in terms of section 22(2)(d)(1) of the Act hold a consultative meeting with the owners of immovable property in the immediate vicinity of premises that are sought to be registered to discuss and solicit their views with regard to the application that the applicant intends to lodge with the Liquor Board.

(2) The Ward Committee must compile a report and submit it to the municipality, stipulating the date, time, the names and the addresses of the people who attended the consultative meeting, indicate whether it objects to or the recommends the application and what additional conditions it proposes, if any.

(3) The Municipality must consider a report submitted to it by a ward committee in terms of section 22(2)(d)<sup>1</sup> of the Act and item 3(2)<sup>2</sup> of the Regulations, and may submit proposals to the Board regarding an application for registration in terms of section 20 of the Act.

<sup>1</sup> Section 22(2)(d) of the Act reads as follows:

"An application for registration contemplated in subsection (1) must be made by submitting to the board –

(d) proof of service of the notice contemplated in the prescribed manner on the –

(i) ward committee which must on receipt of the notice consult the community of the area where the premises are situated and simultaneously submit a report to the board and the relevant municipal council; and

(ii) governing body of every education institution or place of worship within a radius prescribed by the MEC from the premises in respect of which the application is made."

<sup>2</sup> Item 3 of the Regulations reads as follows:

"(1) An applicant must within seven days of lodgement, serve a notice substantially in the form of Form 2 of Annexure 2 on the ward committee of the area where the premises are situated, every governing body of every educational institution and place of worship within a radius of 100 metres from the premises in respect of which the application for registration is made.

(2) A ward committee contemplated in sub-regulation (1) must, within thirty days of receipt of the notice, submit a report on the consultation with the community to the board and to the relevant municipal council."

(4) For the purpose of considering a report as contemplated in subsection (2), an official may undertake an investigation or request further information for consideration by the municipality.

**5. Hours of trading**

- (1) The municipality may determine the hours during which liquor may be sold from registered premises for the different kinds of registrations, as contemplated in section 20 of the Act, and listed in Schedule 1.
- (2) The hours determined in subsection 1 must be published.
- (3) Subject to section 6, no trader may sell liquor to a person at a time other than those hours stipulated as trading hours under subsection (1).
- (4) A trader who contravenes subsection (3) commits an offence.

**6. Selling of liquor at other times**

- (1) The municipality may, on application, grant written consent to a trader to sell liquor at hours other than those stipulated in section 5(1), and a trader who wishes to sell liquor at such hours must, obtain the prior written consent of the municipality.
- (2) A trader who wishes to obtain the consent referred to in subsection (1) must complete a form as contained in Schedule 2 and submit it to the office of the municipal manager.
- (3) The municipality may, after consideration of the application, refuse or grant consent, and should the Municipality grant consent, it may impose conditions or restrictions and enter them in item C of the form contained in Schedule 2.
- (4) A trader who has been granted consent in terms of subsection (3), must display, in a conspicuous place on the premises, a copy of the form on which the consent of the Municipality has been entered.
- (5) A trader who contravenes subsection (1) or (4), or who sells liquor in contravention of a condition or restriction imposed in terms of subsection (3), or who displays a forged form, commits an offence.

**7. Liaison Forums**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
- (2) A liaison forum may consist of –
  - (a) a member of members of an interest group, or an affected person;
  - (b) a designated official or officials of the municipality; and
  - (c) a councillor.
- (3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this By-law, request the input of a liaison forum.

- (b) A liaison forum or any may on own initiative submit an input to the municipality for consideration.

#### 8. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted, must be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2). However, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

#### 9. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

#### 10. Penalties

A person who has committed an offence in terms of this by-law is, on conviction, liable to the penalties prescribed in section 61(1)(b) and section 61(2) and (3) of the Act.

#### 11. Short title and commencement

This by-law may be cited as the Liquor Trading Hours By-laws, and comes into operation upon publication in the Provincial Gazette.



**SCHEDULE 1**  
**(Section 5(1))**

COLUMN 1 TYPE OF REGISTRATION	COLUMN 2 EXAMPLES OF OUTLETS OR ESTABLISHMENTS	COLUMN 3 APPROVED TRADING HOURS
Registration in terms of Section 20(a) of the Act for the retail sale of liquor for consumption off the premises where liquor is sold.	Retail warehouse, retail liquor or bottle store, shop, off-sales, house shop	Monday to Saturday 08h30 – 20h00 Sunday 09h00 – 13h00
Registration in terms of Section 20(b) of the Act for the retail sale of liquor for consumption on the premises where liquor is sold.	Restaurant, Hotel,  Nightclub, sports club, poolbar, pub and grub,	Monday to Thursday 10h00 – 24h00 Friday – Saturday 10h00 – 02h00 Sunday 10h00 – 20h00  Monday to Thursday 10h00 – 24h00 Friday – Saturday 10h00 – 02h00 Sunday 10h00 – 20h00
Registration in terms of Section 20(c) of the Act for the retail sale of liquor for consumption on and off the premises where liquor is sold.	Tavern, shebeen	<u>OFF- CONSUMPTION</u> Monday to Saturday 08h30 – 20h00 Sunday 09h00 – 13h00  <u>ON- CONSUMPTION</u> Sunday - Thursday 08h00 – 21h00 Friday - Saturday 08h00 – 02h00
Registration in terms of Section 20(d) of the Act for the retail sale and consumption of liquor at a special event	Concert, festival, sporting event and entertainment event	Trading hours to be determined by Municipality per event
Registration in terms of Section 20(d) of the Act for micro manufacturing.	Wholesale warehouse and micro manufacturing	Monday to Saturday 08h00 – 17h00 Sunday 09h00 – 13h00

**SCHEDULE 2**  
**(Section 6(2))**

**APPLICATION TO SELL LIQUOR OUTSIDE TRADING HOURS**

**A. APPLICANT**

Name: .....

I.D. Number: .....

Address: .....

Telephone number: .....

**B. PARTICULARS**

Address (street name and number) of the premises on which the liquor will be sold or supplied: .....

Dates and hours on which liquor will be sold or supplied (Be specific, e.g. 14:00 to 23:00 on 3 June, 2005): .....

Reason why this application is made: .....

Anticipated volume of liquor that will be consumed:.....

Nature of liquor that will be sold or supplied: .....

Other particulars (as requested by the Council): .....

Signed ..... Date .....  
(Applicant)

C. CONSENT

Issuing local authority: .....

..... OFFICIAL  
..... DATE  
..... STAMP  
.....

CONDITIONS AND RESTRICTIONS IN TERMS OF SECTION 5(3)

Times and date on which liquor may be supplied or sold: .....

Other conditions or restrictions:

.....  
.....  
.....

**No. 267****BLUE CRANE ROUTE MUNICIPALITY  
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route municipality, enacts as follows:-

**Table of contents**

1. Definitions
2. Principles and objectives

**CHAPTER 1: SUBMISSION OF APPLICATIONS, CHARGES AND GENERAL FACTORS IN CONSIDERING APPROVAL, AMENDMENTS AND CONDITIONS TO APPROVAL, FACTORS RELATING TO SPECIFIC SIGNS, AREAS OF CONTROL AND COMMERCIAL SPONSORED SIGNS**

3. Submission of applications
4. Charges and general factors in considering approval, amendments, conditions to approval
5. Factors relating to specific signs, areas of control, and commercial sponsored signs

**CHAPTER 2: STANDARD CONDITIONS FOR APPROVAL, REQUIREMENTS, AND APPROVAL**

6. Standard conditions for approval
7. Electrical requirements
8. Illumination requirements
9. Road traffic safety requirements
10. Legal requirements
11. Approval

**CHAPTER 3: GENERAL PROVISIONS**

12. Appeal
13. Signs for which Municipality's approval not required
14. Disfigurement
15. Damage to municipal property
16. Entry and inspections
17. Offences
18. Presumptions
19. Enforcement and removal of signs
20. Service of notices
21. Liaison forums in community
22. Magistrate's court jurisdiction
23. Transitional arrangements
24. Repeal of by-laws
25. Short title and commencement

**SCHEDULES**

Schedule 1: Areas of control

Schedule 2: Billboards

Schedule 3: Locality bound freestanding and composite signs

Schedule 4: Signs attached to walls of buildings (Flat and Projecting Signs)

Schedule 5: Sky signs

- Schedule 6: Roof signs
- Schedule 7: Signs on a verandah, balcony, canopy, supporting columns, pillars and posts
- Schedule 8: Signs on boundary walls, fences and construction sites
- Schedule 9: Newspaper Headline posters
- Schedule 10: Banners, flags and balloons
- Schedule 11: Posters
- Schedule 12: Estate Agent signs
- Schedule 13: Loose portable signs
- Schedule 14: Aerial signs
- Schedule 15: Transit Advertising
- Schedule 16: Signs on Municipal Land/Buildings
- Schedule 17: Signs by/for Non-Profit Bodies

### 1. Definitions

In this By-Law, unless the context otherwise indicates –

- “**advertising structure**” means any physical structure which displays a sign;
- “**advertisement**” means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any symbol, or any light which is not intended solely for illumination or as a warning against any dangers and “**advertising**” has a similar meaning;
- “**aerial sign**” means a sign that is displayed or performed in the air, including but not limited to balloons and blimps that can be viewed from within the Municipality’s area of jurisdiction;
- “**approval**” means approval by the Municipality and “**approve**” has a corresponding meaning;
- “**areas of control**” means those areas set out in Schedule 1 of the By-Law; and which may be modified or amended from time to time, which amendments and modifications will be graphically depicted by way of maps as prepared by the Municipality.
- “**banner**” means any material upon which a sign is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstuffs projecting vertically, horizontally or at an angle, or attached to buildings or special structures, but excludes banners carried as part of a procession. A flag which is not displayed on an approved flag pole shall for the purposes of this By-Law be deemed to be a banner;
- “**billboard**” means any screen or board which stands free and is larger than 4,5 m<sup>2</sup> in total area; which is supported by, or consists of, a structure used, for the purpose of posting, displaying or exhibiting a sign;
- “**class 2 roads**” means the roads which form the primary network for the urban areas as a whole and which are characterised by high volumes, restricted access and fairly high speeds;
- “**class 3 roads**” means roads that distribute traffic between the principal residential, industrial and business districts of the town and which form the link between the primary network (class 2 roads) and the roads within residential areas;
- “**clear height**”, in relation to a sign, means the vertical distance between the lowest edge of the sign and the natural level of the surrounding ground, footway or roadway immediately below the sign;
- “**commercial advertising**” means any words, letters, logos, figures, symbols, pictures relating to the name of a business, trade, partnership, individual, or any information, recommendation or exhortation in respect of any particular goods manufactured or sold, or any particular services rendered or offered, or any event for commerce or entertainment, including sporting events;
- “**commercially sponsored sign**” means a sign which advertises goods or services, but the erection of which has a secondary purpose, which is to promote or contribute to some recognised public or community goal or function;
- “**common boundary façade**” means any façade of a building which is built abutting a rear or

side boundary of an erf and which façade is blank, that is, having no architectural features, which includes windows;

“**composite sign**” means a single freestanding advertising structure for the display of more than one advertising sign;

“**consultant**” means a suitably qualified independent person or company that acts on behalf of, or as an agent of, an applicant for approval of a sign in terms of this By-Law;

“**continuing offence**” means an offence in terms of this By-Law, which offence continues to exist after the expiry of the notice period referred to in a notice served in terms of this By-Law;

“**custom made design**” means the design of any sign, which features special effects such as specialist character cut outs or shapes or three dimensional presentations or moving parts or a combination thereof, and which is uniquely designed or constructed for erection in a particular location;

“**development board**” means a sign displayed at premises upon which building operations are currently in progress and relating to any services being provided, work being done or goods being supplied in connection with such building operations, but excludes contract boards for building and civil engineering projects as required in terms of the National Building Regulations and Control Act, 1977 (Act 103 of 1977), as amended from time to time and defined in terms of the General Conditions of Contract and/or Specifications of the appropriate institutions;

“**display**” means the display of a sign and includes the erection of any billboard, sign or structure intended solely or primarily for the support of a sign or billboard, and includes the display of a sign of a business, trade partnership or individual connected with the contents of the sign or sign, and “**displayed**” has a corresponding meaning;

“**electronic sign**” means a sign which has an electronically controlled, illuminated display surface which allows all, or a portion, of the sign to be changed or illuminated in different ways;

“**Environmental Impact Assessment**” (EIA) means an assessment carried out in accordance with the Municipality’s guidelines for outdoor advertising;

“**estate agency**” means a person who markets or sells properties with or without buildings erected thereon and “**estate agent**” has a corresponding meaning;

“**existing sign**” means any sign previously approved by the Municipality;

“**flat sign**” means a sign which is affixed to, or painted directly onto a wall of a building but not onto or over windows or doors or architectural articulations and which at no point projects more than 250 mm in front of the surface of such wall;

“**freestanding sign**” means any sign or group of signs contained or displayed on one freestanding structure which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising;

“**gateway route**” means a prominent route with an entrance to or exit from a specific part of the Municipality’s jurisdiction, consisting of man-made or natural features and creating a strong sense of arrival or departure and which is consistent with city planning or development framework plans or policy, and which may be geographically depicted by way of maps or listed by the Municipality.

“**graphic**” includes but is not limited to any component which contributes to the visual appearance or aesthetics of a sign, including its background;

“**headline poster**” means a temporary poster advertising the contents of a daily or weekly newspaper;

“**height of a sign**” is calculated by measuring the vertical distance between the uppermost and lowest parts of the structure;

“**Heritage Impact Assessment**” (HIA) means a visual assessment of the impact that any proposed sign may have on the cultural heritage, whether built or recognised, at the locality where the proposed sign will be displayed;

“internally illuminated sign” means an advertisement or structure used to display an advertisement which has been installed with electrical or other power and an artificial light source which is fully or partially enclosed within the structure or sign and which light is intended to illuminate the advertisement or a portion thereof;

“law” means any law, proclamation, ordinance, Act of Parliament or Provincial Legislature, or any other enactment having the force of law;

“locality bound advertising” means any sign displayed on a specific erf, premises or building and may include (subject to a prescribed encroachment fee) such a sign on municipal owned land, adjacent to, abutting on or within 5 metres of the aforementioned erf, premises or building, which sign refers to an activity, product, service or attraction, located, rendered or provided on or from that erf or those premises;

“loose portable sign” means a freestanding locality bound notice or advertising board placed or erected in the Road Reserve or in a public open space;

“movable sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part on a fixed permanent sign;

“municipality” means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“new sign” means any sign first displayed after the promulgation of this By-Law;

“non-profit body” means a body established primarily to promote a community goal or benefit without direct or personal financial gain, and may include educational, sporting, medical, municipal departments, bodies as well as charities or community organizations, and the Municipality may call for documentary proof, which may include the production of bank statements, of the non profit status or community benefit objective of the body;

“organ of state” means:

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

(b) any other functionary or institution –

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any other Legislation;

“overall height”, in relation to a sign, means the vertical distance between the uppermost edge of the sign and the finished level of the ground, footway or roadway immediately below the centre point of the sign;

“perimeter of an intersection” means the perimeter of the area embraced within the prolongation of the road reserve lines of two or more public roads that join one another at any angle, whether or not one such public road crosses the other;

“person” includes:

(a) any organ of state;

(b) any company incorporated or registered as such under any law; and

(c) any body of persons, whether incorporated or not, functioning as a single entity for whatever purpose;

“poster” means temporary signs capable of being attached to the Municipal electrical light standards or pasted to fixed structures to advertise events or campaigns, including elections or referenda of limited duration and excluding signs advertising markets, exhibitions or events which are held on a regular basis;

- “**projected sign**” means any sign projected by a laser projector, video projector, or other apparatus;
- “**projecting sign**” means a sign which is affixed to a wall of a building and which at some point projects more than 250 mm in front of the surface of such wall;
- “**public façade**” means any façade of a building that has architectural articulations and which is visible to the public
- “**public place**” means any public road, public street, thoroughfare, bridge, subway, footway, foot pavement, footpath, sidewalk, (or similar pedestrian portion of a road reserve), lane, square, open space, garden, park 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;
- “**public road**” means public road as defined in the National Road Traffic Act, 1996 (Act 93 of 1996);
- “**road reserve**” means the area contained within the statutory width of a road, and includes roadways, shoulders and sidewalks and the airspace above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;
- “**roadway**” means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic as defined in the National Road Traffic Act, 1996;
- “**roof sign**” means a sign affixed to a roof of a building where the top edge of any point of that sign does not exceed the height of the roof plane to which it is affixed;
- “**scenic drive**” means a road designated as such on an approved zoning scheme or from which landscapes or features of aesthetic or cultural significance can be seen or viewed as designated by the Municipality;
- “**security sign**” means an outdoor sign for neighborhood watch and similar schemes, and a sign containing the name, logo, address and telephone number of a security company contracted to protect, or security system installed to protect, the premises on which the sign is displayed;
- “**service station facility sign**” means freestanding signs at petrol filling stations, roadside rest and service areas and includes service station pylon signs;
- “**shop**” means a building used for retail trade or services;
- “**sign**” means any object, product, replica, advertising structure, mural, device or board which is used to publicly display a sign or which is in itself a sign; and includes a poster and a billboard;
- “**signalised traffic intersection**” means an intersection controlled by traffic signals;
- “**sky sign**” means a sign where the top edge of any point of that sign exceeds the height of the roof plane to which it is affixed;
- “**sponsored sign**” means a sign, the primary purpose of which is not to advertise goods or services but which displays a graphic or content which promotes community or public awareness of a recognised public or community goal;
- “**street name signs**” means pole-mounted, double-sided, internally illuminated or unilluminated signs displayed in combination with names of streets, not exceeding 1 m<sup>2</sup>;
- “**street furniture**” means public facilities and structures which are not intended primarily for advertising and includes but is not limited to seating benches, planters, bins, pole mounted bins, bus shelters, sidewalk clocks, drinking fountains, Telkom boxes, traffic signal controllers, electricity boxes, post boxes and telephone booths, but excludes road traffic signs, traffic signals, street lights or any other road-related structures;
- “**temporary signs**” means signs which are displayed for a maximum period of 14 days, or such other period as may be approved by the Municipality;
- “**thickness**”, in relation to a projecting sign, means the width of such sign measured parallel to the plane of the main wall to which such sign is affixed;
- “**third-party advertising**” means the advertising of goods or services that are not made,



procured, sold or delivered from the property on which the sign or sign advertising of those goods or services is fixed or placed, and includes advertising which is not locality bound.  
 "three dimensional sign" means a sign containing more than 2 dimensions, including product replicas;

"Traffic Impact Assessment" (TIA) means a study carried out by a registered professional engineer with demonstrable experience in the field of traffic engineering that investigates the impact a proposed sign may have on vehicle, pedestrian, or cyclist safety and traffic operation, which study should recommend any mitigating measures that may be required as a result of that impact;

"traffic sign" means a road traffic sign as prescribed in the National Road Traffic Act, 1996;

"traffic signal" means a road traffic signal as prescribed in the National Road Traffic Act, 1996;

"transit advertising" means advertising by means of a movable sign which is capable of being transported by road either on or in conjunction with a motorized vehicle, including trailers primarily used for advertising;

"transportation terminals" means any area designated by the Municipality as such, where the formal interchange of modes of public transport takes place by the public, including, but not limited to designated railway stations, official taxi terminals and bus terminals;

"urban edge line" means a predetermined point to point boundary line as determined by the Municipality, which has as its purpose, the containment of urban development;

"verandah" includes a cantilevered canopy and sunblind;

"window signs" means signs which are temporarily or permanently painted on, or attached to the window-glass of a building;

"zone" means a land use zone as set out in the relevant zoning schemes or Town Planning Regulations as amended from time to time and applicable to any erf on which a sign is displayed or intended to be displayed and "zoning" has a corresponding meaning.

## 2. Principles and objectives

The object of this By-Law is to manage outdoor advertising in the jurisdiction of the Blue Crane Route municipality in a manner that is sensitive to the environmental quality of different parts of Blue Crane Route municipality. It seeks to strike a balance between outdoor advertising opportunities and economic development on the one hand, and the conservation of visual, tourist, traffic safety, environmental and heritage characteristics on the other hand. The object of this By-Law is to ensure that outdoor advertising respects the integrity of any site on which it is displayed, and complements the character of the locality in which it is displayed.

## CHAPTER 1

### SUBMISSION OF APPLICATIONS, CHARGES AND GENERAL FACTORS IN CONSIDERING APPROVAL, AMENDMENTS AND CONDITIONS TO APPROVAL, FACTORS RELATING TO SPECIFIC SIGNS, AREAS OF CONTROL AND COMMERCIAL SPONSORED SIGNS

#### 3. Submission of applications

(1) Other than those signs referred to in section 13(3) to 13(10), no person may display any advertisement or erect or use any sign for advertising purposes without the Municipality's approval in terms of this By-Law and any other applicable legislation.

(2) Every person intending to display a new sign or to alter or to add to an existing approved sign, or submitting a signage plan in terms of a Site Development Plan proposal, must apply in writing to the Municipality which application must be accompanied by the following information in duplicate:

- (a) a site plan, drawn to a scale of not less than 1:200, showing-
    - (i) the site on which the sign is to be erected or displayed;
    - (ii) the position of the sign and the building, if any, to which it is to be attached;
    - (iii) every existing building and signs on the site;
    - (iv) existing and proposed landscaping, traffic signals and road traffic signs;
    - (v) the position, with dimensions, of the sign or signs in relation to the boundaries of the site;
    - (vi) the location of the streets abutting the site; and
    - (vii) existing approved zoning conditions ;
  - (b) a drawing, on a scale of not less than 1:20, which complies with the requirements of the National Building and Regulations Standards Act, 1977 (Act 103 of 1977), showing-
    - (i) the appearance of the sign and all relevant construction detail;
    - (ii) the materials of which the sign is to be constructed; and
    - (iii) the colours to be used, and whether or not the sign is to be illuminated;
  - (c) in the case of an illuminated sign, the drawing must indicate whether or not the sign is an electronic sign and if so, full details in respect of the requirements set in sections 7 and 8 must be furnished.
  - (d) if a sign is to be attached to or displayed on the wall or façade of a building, the Municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1:100, or the Municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed sign superimposed on such graphic and drawn as nearly as is practicable to the same scale as that of the graphic;
  - (e) if the applicant is not the registered owner of the property on which the sign will be erected, the applicant must obtain the signature of the registered owner of the land or building on which the sign is to be erected, indicating that person's knowledge of and consent to the application; and
  - (f) upon the request of the Municipality such additional drawings, calculations and other information as is necessary to enable the Municipality to establish the adequacy of the proposed means of securing, fixing or supporting any proposed sign, sign or billboard and its ability to resist all loads and forces to which the sign, advertising or billboard may be exposed and the sufficiency of the margin of safety against failure.
- (3) The Municipality may require the submission of any or all of the following studies or assessments-
- (a) an Environmental Impact Assessment (either the 1st stage thereof; being the completion of an Environmental Checklist or in its entirety),
  - (b) a Heritage Impact Assessment; and
  - (c) a Traffic Impact Assessment.
- (4) If a community or portion thereof or a person will be affected by the proposed sign, it may require a public participation process prior to considering the approval, which public participation process must comply with the Municipality's policy on public participation.
- (5) The Municipality may require a signage master plan in respect of any development where the erection of numerous signs is proposed or the rationalisation of previously approved signs is required so as to allow it to consider a consistent design master plan prior to assessment of any individual sign.

- (6) The Municipality must notify the applicant of any additional requirements it has, within 21 working days of the date of submission of the original application and payment of the application fee.
- (7) The Municipality must retain a copy of every document supplied to it as part of an application.
- (8) The Municipality may require written notification, by the applicant or person who erects an approved sign that such sign has been erected.

**4. Charges and general factors in considering approval, amendments, conditions to approval**

- (1) Every person who applies to the Municipality for approval in terms of this By-Law must pay to the Municipality an application fee as determined by the Municipality and no sign may be erected until such time as the application fees have been paid in full.
- (2) In considering an application for the display of an advertisement or the erection of a sign in terms of this By-Law, or an amendment or condition attached or to be attached to an approval, the Municipality must have regard to the following factors:
  - (a) the area of control in which the proposed sign is to be erected or displayed as set out in Schedule 1; provided further that if a sign falls into more than one possible area of control or if a proposed sign site is located in one area of control which may impact on an adjacent area of control, the Municipality may determine the area of control pertaining to that application;
  - (b) the type of locality or landscape and the advertising opportunities pertaining to that area of control;
  - (c) the number of signs already displayed or proposed to be displayed on the erf and in the area surrounding the erf concerned;
  - (d) the findings of any Traffic Impact Assessment, Environmental or Heritage Impact Assessment and public participation processes where applicable.
  - (e) locality bound signs must relate to the lawful use of a property provided that no such sign must be affixed to or placed on residential premises or portions thereof other than is permitted by or for home industries and legal temporary uses; and
  - (f) that no sign or advertisement may be designed or displayed that –
    - (aa) will constitute a danger to any person or property;
    - (bb) will display any material or graphic which, does not comply with the requirements of the Advertising Standards Authority of South Africa.
    - (cc) will be detrimental to the environment or amenity of the neighborhood by reason of either its size, intensity, frequency, illumination, quality of design, material, proposed graphic or locality.
    - (dd) will obscure any other signs approved in terms of this By-Law or its predecessor; and
    - (ee) will be detrimental or otherwise negatively impact on the environment, whether artificial or natural.
- (3) Subject to any conditions in Schedule 16, all new advertising signs or advertising structures approved under this by-law and any successive by-law, may remain on display uninterrupted until such time as they do not comply with the provisions of this by-law or any other applicable legislation.

### 5. Factors relating to specific signs, areas of control, and commercial sponsored signs

(1) The Municipality must, in addition to the factors set out above, apply minimum standards to certain specific sign types and proposed localities and will apply specific criteria to applications for the erection of signs by non-profit bodies. These standards and criteria are set out as Schedules to this By-Law. Schedule 1 to this By-Law indicates the areas of control in which certain sign types may be permitted, subject always to approval in terms of this By-Law and furthermore subject to any additional requirement pertaining to a specific sign type as set out in the following Schedules:

- (a) Schedule 1: Areas of control;
- (b) Schedule 2: Billboards;
- (c) Schedule 3: Locality bound freestanding and composite signs;
- (d) Schedule 4: Signs attached to walls of buildings (flat and projecting signs)
- (e) Schedule 5: Sky signs;
- (f) Schedule 6: Roof signs;
- (g) Schedule 7: Signs on a verandah, balcony, canopy, supporting columns, pillars and posts;
- (h) Schedule 8: Signs on boundary walls, fences and construction sites;
- (i) Schedule 9: Newspaper headline posters;
- (j) Schedule 10: Banners, flags and balloons;
- (k) Schedule 11: Posters;
- (l) Schedule 12: Estate agent signs;
- (m) Schedule 13: Loose portable signs;
- (n) Schedule 14: Aerial signs;
- (o) Schedule 15: Transit advertising;
- (p) Schedule 16: Signs on municipal land/buildings; and
- (q) Schedule 17: Signs by or for non-profit bodies.

(2) The Municipality may grant exemption from the terms of this By-Law in respect of the sign types or areas of control set out in Schedules 10, 11 and 12 hereto having regard to –

- (a) the area of control where it is proposed to display the sign/s;
- (b) nature of the event;
- (c) duration of the erection or display of the sign;
- (d) size of the proposed sign;
- (e) any traffic, safety, environmental or heritage impact assessment; and
- (f) the outcome of any public participation process.

## CHAPTER 2

### STANDARD CONDITIONS FOR APPROVAL, REQUIREMENTS, AND APPROVAL

#### 6. Standard conditions for approval

(1) All signs must be properly constructed of the requisite strength and must comply with the requirements of the National Building Regulations and Standards Act, 1977 (Act 103 of 1977), as amended.

(2) The applicant to whom approval has been granted and the owner of the property or building to which a sign is attached shall be jointly and severally liable for the maintenance thereof.

(3) Where any sign becomes torn or damaged or otherwise falls into a state of disrepair, the

applicant or the owner of the fixture or property which or to which a sign is attached must within 7 working days of a notice in writing to do so, repair it.

- (4) All signs and their support structures must be constructed of incombustible, durable materials suited to the function, nature and permanence of the sign.
- (5) All glass used in a sign, other than glass used in illumination, must be safety glass of at least 3 mm thick.
- (6) Glass panels used in a sign must not exceed 0,9 m<sup>2</sup> in area, each panel being securely fixed in the body of the sign, structure or device independently of all other panels.
- (7) Every sign and its support structure must be kept in a state of good repair.
- (8) No sign may obstruct the opening and closing of any window or opening provided for ventilation of a building or obstruct any stairway or doorway or other means of exit from the building or prevent movement of people from one part of a roof to another.
- (9) No advertising structure may be closer to overhead electrical equipment than the minimum distance prescribed.

**7. Electrical requirements**

- (1) All signs needing an electrical connection must preferably be supplied from the existing electrical supply on the erf where it is to be erected. If this is not possible, application for a metered electricity supply must be made to the relevant authority.
- (2) Every sign in connection with which electricity is used, must be provided with suitable capacitors to prevent interference with radio and television reception.
- (3) Each power cable and conduit containing electrical conductors in respect of a sign must be so positioned and fixed so that it is safe, unseen, inaccessible and child tamper proof and animal proof.
- (4) Each interior high-voltage installation that runs unattended (such as a window display) and each exterior high-voltage installation must have a fireman's switch in accordance with the requirements as stipulated in sections 6.7.2 and 7.5 of SANS 0142 1993 promulgated in terms of the Occupational Health and Safety Act.

**8. Illumination requirements**

- (1) The Municipality may approve an illuminated sign, provided that the provisions of this By-Law are complied with and that such illumination does not constitute a road safety hazard or cause undue light spillage.
- (2) Signs may not be illuminated if no sign content is displayed.
- (3) Requirement for internal illumination and electronic signs:
  - (a) internally illuminated and electronic signs containing third party advertising may only be displayed in areas of partial and minimum control and must be less than 2,1 m<sup>2</sup>. This size condition may be waived, up to a maximum size of 4,5 m<sup>2</sup> in any such area upon receipt of an Environmental and Heritage Impact Assessment showing no detrimental impact will be caused by the proposed display, or to any larger size specified by the Municipality in an area designated by the Municipality as a district in which illuminated or electronic signs are to be encouraged;
  - (b) electronic signs may not have subliminal flashes; and
  - (c) prior to erection, the Municipality may require a Traffic Impact Assessment, Environmental and Heritage Impact Assessment to be conducted, the results of which must indicate that no detrimental impact on traffic is envisaged. In addition the Municipality may require subsequent traffic monitoring of any internally illuminated or electronic sign.

- (4) Requirements for external illumination:
- (a) The light source emanating from floodlights may not be visible to traffic traveling in either direction;
  - (b) floodlights may not be positioned so as to create any undue light spillage beyond the surface area of the sign; and
  - (c) Approved way leaves must be obtained from the electricity department prior to any excavations for the installation of signs. This also applies for signs to be erected in the vicinity of overhead power lines.

**9. Road traffic safety requirements**

- (1) Signs may not be erected in an area where they are an unacceptable distraction for drivers..
- (2) Electronic signs may not be permitted if they are visible from class 2 or 3 roads, a gateway route or a scenic drive unless expressly approved in writing by the municipality.
- (3) Advertising on bridges, towers, telecommunication masts, pylons or street poles will not be permitted.
- (4) The graphic content of signs may not have the potential to be visually interpreted as a road traffic sign, due to any factor, including but not limited to the following:
- (a) any stylised or pictorial presentation of a road traffic sign or traffic signal;
  - (b) any word, symbol, logo or other device used on a road traffic sign;
  - (c) use of combinations of colors specified for road traffic signs, in a manner likely to lead to confusion; and
  - (d) any reflectorised paint or material.
- (5) Signs may not be erected in an area where the traffic volume, the average following headway or accident history requires a higher than average degree of awareness from drivers.
- (6) Signs may not be attached to or obscure a road traffic sign or traffic signal specifically provided for in the South African Road Traffic Signs Manual or the South African Development Community Road Traffic Signs Manual.
- (7) Signs may not be erected within the road reserve of any public road unless expressly approved by the municipality.
- (8) When located at signalised traffic intersections, signs may not have the colours red or yellow or green as main colours and may not obscure or interfere with any road traffic sign or traffic signal.
- (9) Electronic signs will not be permitted within 80 metres of the perimeter of a signalised traffic intersection.
- (10) Flashing or running messages or variable transition messages that have a message change interval of greater than 0,3 seconds or have transition effects between message changes will not be permitted if viewable from a public road.
- (11) Static display, simple transition signs must display a complete frame for an information cycle length of not less than 60 seconds when visible from a signalised traffic intersection and 30 seconds at other locations.
- (12) All signs larger than 4,5 m<sup>2</sup> erected adjacent to a public road or in a railway reserve intended to advertise to persons using class 2 and 3 roads must be spaced a minimum specified distance from any other sign or road traffic sign, such distance measured parallel to the centre line of the roadway, in accordance with the measurements set out in Table 1 below:

**TABLE 1:  
LINEAR SPACING BETWEEN SIGNS**

TABLE 1. LINEAR SPACING BETWEEN SIGNS

Case	Spacing required when vis-à-vis traffic on a road with a speed of:		
	< 40 km/h	41-60 km/h	61-120 km/h
Where an advertising sign follows a road sign	300 m	425 m	475 m
Where an advertising sign follows an advertising sign	310 m	300 m	410 m
Where an advertising sign precedes a road sign	40 m	70 m	100 m

(13) The abovementioned minimum distances specified in Table 1 above may be decreased by the Municipality if the sign falls within an area of minimum control, or in other areas of control on submission of a Traffic Impact Assessment motivating a reduction of this spacing. The Municipality may prepare a list or map of designated areas in which the abovementioned spacing requirements shall not be applicable.

**10. Legal requirements**

All signs to be erected or displayed within the area of jurisdiction of the Municipality must, in addition to complying with this By-Law, comply with all other applicable legislation, including any applicable Zoning Scheme Regulations or condition of approval or any departure from the applicable Zoning Scheme Regulations.

**11. Approval**

- (1) The Municipality may refuse any application or grant its approval subject to conditions, including a condition that the owner of any sign or billboard or the land or building on which it is erected or displayed, or the person whose product or services are advertised, indemnify the Municipality against any consequences flowing from the erection, display or mere presence of such sign.
- (2) The Municipality may, at any time, withdraw an approval granted in terms of this By-Law or its predecessor or amend any condition or impose a further condition in respect of such approval, if a sign or advertising structure is in a state of disrepair, stands empty for more than 90 consecutive days, no longer complies with any provision of this By-Law or is substantially altered from the original approved application by way of either structure or graphic content.
- (3) Should an approved sign not be erected within 12 months from the date of approval or within such other time as is specified in the approval, such approval will lapse, unless that period is extended in writing by the Municipality prior to such lapse.
- (4) In the event that the structure supporting such sign is intentionally demolished before the expiry of the approval period, the approval shall lapse and no further sign or supporting structure may be erected or re-erected without the Municipality's approval.
- (5) All decisions by the Municipality regarding applications made in terms of this By-Law must be in writing and will be provided to applicants within 60 calendar days of date of submission of a complete application, alternatively, if so required by the Municipality, within 60 calendar days of its receipt of any additional information or assessments provided to the Municipality.
- (6) In notifying an applicant of its decision in terms of subsection (5), the municipality must inform such applicant and any person who has objected to the granting of an application of their right to appeal in terms of section 12.

### CHAPTER 3 GENERAL PROVISIONS

#### 12. Appeal

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

#### 13. Signs for which Municipality's approval not required

(1) Should any sign not comply with the conditions relative to each sign type listed below, an application in terms of section 3 will be required.

(2) Subject to compliance with the conditions relative to each sign provided for in subsections (3) to (12), and any other applicable legislation, or condition imposed by the Municipality, no application for approval is required in terms of this By-Law in respect of the signs provided for in subsections (3) to (12).

##### (3) *Development Boards.*

(a) development boards must be removed when the building operations are complete or if the building operations are discontinued, or when the provisions of the services, the doing of the work, or the supply of the goods to which the sign relate has ceased.

(b) the Municipality may order the removal of a sign within a specified period if the building operations have been substantially completed or discontinued or an Occupancy Certificate has been issued by the Municipality, or the provision of the services, the doing of the work or the supply of the goods to which it relates, has ceased.

(c) if the premises on which building operations are in progress, are to be used wholly for residential purposes, only one development board may be displayed and such development board may not exceed 3 m<sup>2</sup> in total area.

(d) if the premises are not to be used wholly for residential purposes, no more than two development boards may be displayed and the aggregate area of both development boards may not exceed 5 m<sup>2</sup> in total;

(e) if the signage, whether on freestanding boards, or flexible building covering material, include any other form of Third Party advertising, such sign must then comply with the provisions of Schedule 8 hereto and Municipal approval for the display thereof must first be obtained.

##### (4) *To Let/For Sale Signs.*

These include any sign not exceeding 400 mm x 500 mm displayed at existing premises or at properties upon which new buildings are erected and relating to accommodation being offered in the building; provided that any such sign must be removed within 60 days from the date upon which the accommodation to which it relates becomes capable of occupation.

##### (5) *On Premises Business Signs.*

These include any unilluminated sign not projecting over a public road and not exceeding 0,2 m<sup>2</sup> in total area indicating the types of trade, business, industry or profession lawfully conducted by any occupant or permanent resident of the premises to which it is attached, the name of such occupant, the type of activity, the address and telephone number of such premises and the hours of attendance; provided that only one such sign per occupant may be displayed.

##### (6) *Window Signs.*

These include any locality bound signs which are temporarily or permanently painted on or



attached to the window glass of a building used for commercial, office, industrial or entertainment purposes, or any other temporary or permanent sign which is displayed within 2 metres of any window or external opening through which it can be seen from outside such a building; provided that no window sign may exceed 4,5 m<sup>2</sup> in an area of maximum control.

(7) *Signs incorporated in the face of a building.*

Any sign forming an integral part of the fabric of a building (but excluding a painted sign or a sign affixed in any manner onto the building), on condition that no such sign may exceed 0,2 m<sup>2</sup> in total area.

(8) *Signs on Sports Fields.*

Except when visible from scenic drives, any sign erected around the perimeter of a sports field, to a maximum size of 2 x 1 meter, provided further that larger signs which face inwards onto the field and are not visible from any other public road, may also be permitted.

(9) *Security Signs.*

Any security sign not projecting over a public road and not exceeding 0,2 m<sup>2</sup> in total area indicating either that a security watch scheme is in operation or that a security company has been contracted to protect the premises on which the sign is displayed, on condition that –

- (a) only one such sign is displayed on any public road or each street frontage of such premises; and
- (b) the said sign displays only the name, logo, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

(10) *Sponsored, Commercially sponsored and Non-Profit Body Signs: less than 4,5 m<sup>2</sup>.*

- (a) any such sign whether erected by or in connection with a non profit body or not, not exceeding 4,5 m<sup>2</sup> in total area on condition that-
  - (i) no more than 5% of the total surface area of the sign is used for third party advertising;
  - (ii) the sign is not illuminated; and
  - (iii) that only one such sign may be permitted per erf.

- (b) signs which comply with the provisions of subsection (a) may, when erected on municipal land, only be erected once agreement has been concluded with the Municipality, wherein the extent of the community or public benefit and the terms of the erection of the sign has been agreed.

- (c) all other sponsored signs are dealt with in Schedules 16 and 17.

(11) *Advertising on Flags*

Advertising flags may only be displayed on flag poles, provided that no more than 3 flag poles of 3 m each in total height, may be permitted on any one property on which they are displayed.

(12) *Advertising on Vehicles*

Signs painted or affixed directly onto the body of a motorised vehicle.

**14. Disfigurement**

No person may destroy, harm, damage or disfigure or deface the front or frontage of any street, road traffic sign, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building or structure during construction or through the display or use of a sign or the writing or painting of any sign, symbol, letters or numerals. Furthermore, no person may disfigure any sign legally displayed in terms of this By-Law.

**15. Damage to municipal property**

No person may, in the course of erecting or removing any sign, or banner, cause damage to any tree, electric standard or service or other municipal installation or property and street furniture.

**16. Entry and inspections**

The Municipality shall be entitled, through its duly authorized officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this By-Law.

**17. Offences**

Any person who –

- (a) contravenes or fails to comply with any provision of this By-Law;
- (b) contravenes or fails to comply with any requirement set out in a notice served on him in terms of this By-Law;
- (c) contravenes or fails to comply with any condition imposed in terms of this By-Law;
- (d) knowingly makes a false statement in respect of any application in terms of this By-Law, commits an offence and on conviction may be liable to-
  - (i) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
  - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
  - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**18. Presumptions**

Any person charged with an offence in terms of this By-Law who is –

- (a) alone or jointly with any other person in control of, or responsible for the organisation of any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed or caused or allowed to be displayed every unlawful sign or poster relating to such meeting, function or event;
- (b) the person whose name appears on an unlawful sign or whose product or services are advertised on such sign, shall be deemed, to have displayed or caused or allowed it to be displayed;
- (c) the owner of any land or building on which any unlawful sign is displayed, shall be deemed to have knowingly displayed such sign, or caused or allowed it to be displayed.

**19. Enforcement and removal of signs**

(1) If any sign displayed is in contravention of this By-Law, the Municipality may serve a notice on the owner or lessee of the sign, or the land owner on whose land the sign is erected or displayed, or the person whose product or services are advertised, calling upon such person to remove the sign or carry out such alteration thereto or to do such work as may be specified in such request or notice, within the time specified therein.

(2) A notice served in terms of subsection (1) may be amended by the Municipality upon agreement with the person so served, or failing such agreement, by the service of a further notice.

(3) Should the Municipality's directives, as set out in the notice, not be complied with within the time period specified therein, the Municipality may, without further notice to the person upon whom the notice was served, remove or alter the sign or do such work as may be specified in such notice.

(4) Any costs incurred by the Municipality in removing signs, or in doing alterations or

other works required in terms of a notice, may be recovered from the person on whom the notice was served.

(5) Notwithstanding any other provision in this By-Law, if a sign is, or is reasonably considered to be a danger to life or property, the Municipality itself may, without prior notice arrange for the removal of such sign.

(6) Any costs incurred by the Municipality for the removal of such sign may be recovered from the owner or lessee of the sign, or the land owner on whose land the sign was erected, or the person whose product or services were advertised, jointly and severally.

(7) Unlawful signs removed by the Municipality may be reclaimed from the Municipality on payment of any costs incurred by the Municipality in the removal of the said sign, as well as payment of the costs of the storage of such sign.

(8) Any unlawful signs removed by the Municipality and not reclaimed within two months of the date of removal may be disposed of by the Municipality to defray its removal or storage costs.

**20. Service of notices**

(1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if an official of the municipality signed it.

(2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served -

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
- (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
- (g) when it has been delivered, at the request of that person, to his or her e-mail address.

(3) Service of a copy is deemed to be service of the original.

(4) When any notice or other document is 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.

**21. Liaison forums in community**

(1) The municipality may establish liaison forums in a community for the purposes of -

- (a) encouraging a local community to participate in the implementation, development and enforcement of this by-law; and
- (b) promoting local economic development and the conservation of visual, tourist, environmental and heritage characteristics of the Blue Crane Route municipal area;

- (2) The forums contemplated in sub-section (1) may consist of:
  - (a) a member or members of an interest group or an affected person or community;
  - (b) a designated official or officials of the municipality; and
  - (c) a councilor from the relevant council committee.
- (3) The municipality may, in the implementation and enforcement of this by-law, -
  - (a) request the input of a forum;
  - (b) employ any skills or capacity that may exist in such a forum.
- (4) A forum, or a person or persons contemplated in sub-section 2, may, on own initiative, submit an input to the municipality for consideration.

#### **22. Magistrate's court jurisdiction**

Notwithstanding anything to the contrary contained in any law relating to Magistrates' Courts, a Magistrate shall have jurisdiction, on the application of the municipality, to make an order for the enforcement of any of the provisions of this By-Law or of any approval, refusal or condition granted or applicable in terms hereof.

#### **23. Transitional arrangements**

- (1) Anything done under or in terms of any provision repealed by this By-Law shall be deemed to have been done under the corresponding provisions of this By-Law and the repeal in section 24 shall not affect the validity of anything done under the By-Law so repealed.
- (2) Anything done prior to promulgation of this By-Law, which was not done in terms of a provision repealed in this By-Law and was unlawful, shall in the event of such act or sign still not complying with the provisions of this By-Law, be unlawful.
- (3) Any application for the display of any advertisement or erection of any advertising structure submitted to the Municipality prior to promulgation of this By-Law and in respect of which a decision has not yet been made by the Municipality prior to promulgation of this By-Law, shall be considered by the Municipality in terms of this By-Law.

#### **24. Repeal of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

#### **25. Short title and commencement**

This by-laws may be cited as the Outdoor Advertising and Signage By-law and commences on the date of publication thereof in the Provincial Gazette.

**ANNEXURE 1**  
**AREAS OF CONTROL**

Natural Area	MAXIMUM		PARTIAL Urban Area (Within urban edge)	MINIMUM Urban Area (Within urban edge)
	Rural Area (Outside urban edge)	Urban Area		
Proclaimed nature reserve	Agricultural areas / zones	Urban conservation areas	Central business districts (Outside area of special significance)	Industrial zones
Protected natural environment	Horticultural areas	Declared Heritage sites (rural and natural)	Mixed use commercial and residential areas	Designated transportation terminals
Game reserves	Rural small holdings	Graded buildings and places	Commercial ribbon development and activity corridors	Designated areas within undetermined zones
Proclaimed bird parks	Large private open spaces (e.g. golf courses)	Residential zones and adjacent road and rail reserves	Commercial and business districts and adjacent streets and rail reserves	Specific areas or sites designated as minimum control by way of a map prepared by the Municipality
Forestry areas	Scenic drives	Mobility routes	Entertainment district or complexes with commercial zones	
River corridors	Scenic landscapes	Pedestrian malls and pedestrian squares	Sportsfields and stadia	
1:100 Year Flood plains	Scenic features	School sites and institutional zones	Undetermined zones (including railway reserves, transport use zones	

Wetlands	Municipal parks	Scenic features	Specific areas or sites designated as partial control by way of a map prepared by the Municipality	
Scenic Drives	Urban edge zones as defined in the Urban Edge Policy	Scenic drives		
Greening of city network	Agricultural and horticultural areas and adjacent road and rail reserves	Gateways		
Specific areas or sites designated as maximum natural by way of a map prepared by the Municipality	Specific areas or sites designated as maximum rural by way of a map prepared by the Municipality	Public Open Spaces		
		Private Open Spaces		
		Urban small holdings		
		Intensive urban agriculture areas		
		Subsistence urban agriculture areas		
		1:100 Year flood plains		
		River corridors		
		Wetlands		
		Community facilities (excluding sports facilities and stadia)		

		Core flora conservation sites as identified by the National Botanical Institute		
		Special Business zones		
		Residential components of mixed use buildings		
		Specific areas or sites designated as maximum urban by way of a map prepared by the Municipality		

**SCHEDULE 2**

**BILLBOARDS**

1. Subject to approval in terms of this By-law, the erection or display of Billboards, whether custom made or of standard design, is permitted only in areas of minimum control. In addition Billboards must:

- (a) If the proposed erf where the billboards are to be erected borders on class 2 and 3 roads the billboard may not be placed less than 5 metres from the property's boundary line. If the proposed site of erection of a billboard has been designated as a gateway then no billboards will be permitted within such gateway.
- (b) Comply with the standard conditions of approval set out in this By-law.
- (c) Not encroach over the boundary lien of the property on which it is erected, whether such encroachment is aerial or on ground level.
- (d) Have a minimum clear height of 2.4m and a sign structure which does not exceed a maximum height of 7.5m above natural ground level.
- (e) Not exceed a maximum total size of 6 x 3m (18m<sup>2</sup>) provided that on any V-shaped structure, two such panels may be permitted.
- (f) Be displayed between the angles of 90° and 60° to the direction of oncoming traffic.
- (g) Be spaced a minimum distance apart as specified in section 9 of this by-law.
- (h) Only be externally illuminated.
- (i) If located at signalized traffic intersections : may not be erected or displayed within 50m of the perimeter of the intersection if unilluminated; and within 80m of the perimeter of the intersection if illuminated.
- (j) If erected along the right hand side of a section of road, such that its graphics are visible to a driver traveling on the left hand side of the road, shall be deemed to

have replaced the advertising opportunity that existed on the left hand side of the road.

- (k) Have a minimum letter or number height of 285mm.
2. The information content of a proposed advertisement will be measured in "bits". In calculating the information content of a proposed advertisement, the bit weights shown in the table below must be used.
  3. The total bits in a proposed advertisement may not exceed 15.
  4. No tri face signs are allowed.

ELEMENTS OF THE ADVERTISEMENT		BITS PER ELEMENT
Words	up to 4 letters	0.5
	5 - 8 letters	1.0
	more than 8 letters	2.0
Numbers	up to 4 digits	0.5
	5 - 8 digits	1.0
	more than 8 digits	2.0
Logos, symbols and graphics	smaller than 9m <sup>2</sup>	0.5
	between 9 and 18m <sup>2</sup>	1.0
	between 18 and 27m <sup>2</sup>	1.5
	larger than 27m <sup>2</sup>	2

### SCHEDULE 3

#### LOCALITY BOUND FREESTANDING AND COMPOSITE SIGNS

Subject to approval in terms of this By-law, the erection or display of Locality Bound freestanding and composite signs are permitted only in urban areas of maximum, partial and minimum control. In addition:

1. Locality bound freestanding signs may only be permitted in the following instances:
  - (a) where business premises are set back 15 metres or more from the boundary of the road reserve; or
  - (b) where it is not reasonably possible to affix appropriate signs to a building; or
  - (c) where such a sign is necessary to allow the public to locate the entrance to business premises; or
  - (d) where the existence of a freestanding composite sign may prevent the proliferation of signs.
2. Locality bound freestanding composite signs may not exceed 4.5 metres in height and in addition may not exceed 4.5m<sup>2</sup> in total area. This provision may be waived to a maximum height of 7.5 metres and a maximum total area of 10m<sup>2</sup> per side, having regard to the following factors:
  - (a) if such increase reduces the number of individual signs facing any one street boundary of the site, thereby minimising the visual impact on the surrounding environment;
  - (b) if more than two significant roads approach the site in question;
  - (c) the number of businesses which will be advertising on such sign;



- (d) the number of approach or exit routes to the site in question;
  - (e) the applicable zoning of the area surrounding the site in question.
3. Service Station freestanding signs must be locality bound and may only be erected or displayed at service stations adjacent to and directly accessible from the public road at which such a sign is directed and only one Service Station freestanding facility sign per street boundary may be permitted.
  4. Service station freestanding signs may not exceed 7.5 metres in height and may not consist of more than eight advertising panels of 4.5m<sup>2</sup> each in total area. The provisions of this section may be waived to a maximum height of 16 metres and eight advertising panels not exceeding 6m<sup>2</sup> each in total area having regard to the factors mentioned in item 2 above. In areas of maximum control the maximum height is 4.5 metres and an area of 7.0m<sup>2</sup> on each side.

**SCHEDULE 4**

**SIGNS ATTACHED TO WALLS OF BUILDINGS: FLAT AND PROJECTING SIGNS**

Subject to approval in terms of this By-law, the erection or display of flat and projecting signs are permitted in all areas of maximum, partial or minimum control. In addition, flat and projecting signs may:

1. Not be allowed within 0.6 metres of the edge of a roadway nor may it extend to within 0.6 metres of the edge of a roadway.
2. Not project in front of a wall more than 1.5 metres in the case of a sign which has a clear height of more than 7.5 metres or more than 1 metre in the case of any lesser clear height.
3. Not project more than 250mm over a footway unless such sign has more than 2.4 metres clear height.
4. Not obstruct the view from any window or any other external opening of any building and no portion of any such sign may obstruct the opening or closing of any window, door or any other openings.
5. Not exceed 54m<sup>2</sup> in total area and may not exceed one-quarter of the overall area of the surface to which they are affixed or painted whichever is the lesser. This size restriction may be waived on condition that:
  - (a) an Environmental Impact Assessment be submitted to the Municipality indicating no detrimental environmental impact is envisaged;
  - (b) if it is proposed to erect or projecting sign in a conservation area, a Heritage Impact Assessment be submitted indicating no detrimental impact in respect of Heritage resources is envisaged; and
  - (c) only graphics designed and created by a suitably qualified consultant be displayed on such sign;
6. Be considered for approval on blank common boundary facades of non-residential buildings.
7. If the sign appears on public facades of any building-
  - (a) be so designed as to become an integral part of the building design; and
  - (b) when third party, only be permitted if custom-made and subject to the requirements of 5(a) to (c) above.

SCHEDULE 5SKY SIGNS

Subject to approval in terms of this By-law, the erection or display of sky signs whether custom made or of standard design, is permitted in areas of minimum control only. In addition:

1. Sky signs must:
  - (a) be limited to a maximum total size of 4.5m<sup>2</sup>, provided that this size requirement may be waived up to a maximum of 18m<sup>2</sup> upon receipt of an Environmental Impact Assessment indicating no detrimental environmental impact is envisaged; and
  - (b) not obstruct the view from any other building.
2. Sky signs along the top edge of the roof of cultural, historic or architecturally significant buildings will only be permitted if they are locality bound, unilluminated and consist of individual cut-out letters or logos.
3. The information content of a proposed advertisement will be measured in "bits". In calculating the information contents of a proposed advertisement, the bit weights shown in the table below should be used.
4. The total bits in a proposed advertisement may not exceed 15.

ELEMENTS OF THE ADVERTISEMENT		BITS PER ELEMENT
Words	up to 4 letters	0.5
	5 - 8 letters	1.0
	more than 8 letters	2.0
Numbers	up to 4 digits	0.5
	5 - 8 digits	1.0
	more than 8 digits	2.0
Logos, symbols and graphics	smaller than 9m <sup>2</sup>	0.5
	between 9 and 18m <sup>2</sup>	1.0
	between 18 and 27m <sup>2</sup>	1.5
	larger than 27m <sup>2</sup>	2.0

SCHEDULE 6ROOF SIGNS

Subject to approval in terms of this By-law, the erection or display of roof signs is permitted in all urban areas of control except areas zoned for residential purposes in areas of maximum control. In addition:

1. The total area of any roof sign affixed flush onto or painted onto a roof of a building may not exceed one-quarter of the overall area of the roof to which it is affixed or painted.
2. When attached to the bottom edge of a roof or vertically midway on the roof of a building, such sign may not exceed 1 metre in height and its total area may not exceed 25% of the roof area to which it is affixed.

3. It shall be permissible to affix a roof sign along the edge of a roof of a building, if such sign is composed of a single line of individual, cut-out letters, without visible bracing or support but may not be erected along more than two edges of such roof and may not exceed 3.6m<sup>2</sup> in total area (6 x 0.6m); with a maximum height of 1metre.

#### SCHEDULE 7

#### SIGNS ON A VERANDAH, BALCONY, CANOPY, SUPPORTING COLUMNS, PILLARS AND POSTS

Subject to approval in terms of this By-law, the erection or display of signs on a verandah, balcony, canopy, supporting columns, pillars and posts may be permitted in all areas of control on condition that they also comply with the following:

1. No such signs will be allowed on or over architectural features of buildings.
2. Such signs may be affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony, and beam or fascia of a verandah or balcony. The sign may not exceed 1m in height or project above or below or beyond either end of the surface to which it is affixed, or project more than 250mm in front of the surface to which it is affixed or project over a roadway or within 0.6 metres of the edge of the roadway.
3. Such signs may be affixed flat onto or painted on supporting columns, pillars and posts. In this regard, no sign may project more than 50mm in front of the surface to which it is affixed and may not extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures must be curved to fit the form of such structure. Only one sign per column, pillar or post will be allowed.
4. Such signs suspended below the roof of a verandah, canopy or the floor of a balcony may not exceed 1.8 metres in length or 600mm in height. Every such sign must be at right angles to the building line. No signs suspended under a canopy may extend beyond the external edge of the canopy or verandah to which it is attached. All suspended signs must have a clear height of at least 2.4m<sup>2</sup>.
5. Such signs on the roof of a verandah, canopy or balcony, excluding the main roof of a building, must be composed of a single line of freestanding individual, cut-out silhouette letters without visible bracing or other visible means of support and may not be erected along more than two edges of such roof of a verandah or balcony.

#### SCHEDULE 8

#### SIGNS ON BOUNDARY WALLS AND FENCES AND ON CONSTRUCTION SITE HOARDINGS

Subject to approval in terms of this By-law, the erection or display of signs on boundary walls and fences is permitted only for locality bound signs in urban areas of maximum, minimum or partial control and in addition:

1. In urban areas of maximum and partial control, the Municipality may approve an application to affix a locality bound sign against a boundary wall only if the sign is indented into the wall or composed of individual, unilluminated cut-out letters or symbols fixed flat on such wall not projecting more than 50mm from the face of such wall.
2. In areas of minimum control, the Municipality may approve-
  - (a) an application to affix a locality bound sign flat onto a boundary wall only if it

- does not project more than 50mm from the face of such wall; and
- (b) an application to affix a locality bound flat sign with a maximum size of 0.5m<sup>2</sup> onto the permanent fence of an erf.
3. Third party and locality bound advertising on construction site hoardings and fences must comply with the following conditions:
- (a) any one sign may not exceed a vertical dimension of 3 metres and total area of 18m<sup>2</sup> and in the case of construction site cladding, the graphic must comply with the requirements of the Advertising Standards Association of South Africa.
- (b) any such sign may not project more than 100mm in front of the hoarding or fence to which it is affixed;
- (c) it may not be illuminated in areas of maximum and partial control; and
- (d) advertising will not be allowed on construction site hoardings and fences within the cone of vision of motorists at signalised traffic intersections.

### SCHEDULE 9

#### HEADLINE POSTERS

Subject to approval in terms of this By-law, the erection or display of headline posters is permitted in all areas except natural and rural areas of maximum control. In addition:

1. Headline posters may not exceed 0.9m x 0.6m in area.
2. The commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster.
3. The posters may be attached to Municipal electrical light poles only where available and only pasted posters may be affixed to designated structures which are approved by the Municipality for the express purposes of pasting posters.
4. They are not to be affixed to traffic signal poles, or other poles which carry road traffic signs, or poles erected for any other purpose, or any other street furniture, wall, fences, trees, rocks or other natural features.
5. Headline posters may not be pasted on municipal electric light poles but are to be mounted on board and affixed securely with stout string or plastic ties unless a permanent frame has been approved for this purpose.
6. Only one headline poster per pole, regardless of which newspaper group it is, will be permitted.
7. The number of posters as well as the designated areas for the display of headline posters as submitted by each newspaper group must be strictly adhered to.
8. All "special events" posters are to comply with the following:
  - (a) the name of the newspaper group, the "special event" and the date of the "special event" must appear on the posters in letters not less than 50mm in height;
  - (b) the special event posters may not be displayed more than 7 days before the date of the event and they must be removed within 24 hours after the date of the event shown on the poster.
9. Headline posters and fastenings are to be removed on a daily basis failing which the posters will be removed, at the newspaper group's expense, in accordance with the standard charges for removal of posters.
10. The Municipality may recover the costs of the removal of unauthorised posters, and the reinstatement of the surface from which such posters were removed, from the person responsible for the display of such posters or the newspaper group concerned.
11. The Municipality may remove any poster displayed in contravention of the abovementioned

- conditions.
12. Any poster not removed on a daily basis or a poster relating to a "special event" by due date referred to in item 7(b) may be removed by the Municipality.
  13. The display of unauthorised posters is illegal and the Municipality may also remove such posters.
  14. The Municipality may determine the costs involved for the removal of unauthorised posters..
  15. Application must be made on an annual basis by each newspaper group for permission to display such signs subject to an annual fee per newspaper group.
  16. A deposit per newspaper group who wishes to display posters must be paid annually against which a charge for the removal of any poster which contravenes the By-law will be levied. In the event of the above deposit being exhausted, permission to display such poster may be withdrawn until a further deposit is submitted to the Municipality.

### SCHEDULE 10

#### ADVERTISING ON BANNERS, FLAGS AND BALLOONS

Subject to approval in terms of this By-law, the erection or display of banners, flags or balloons is permitted in all areas except natural and rural areas of maximum control. In addition:

1. Approval for third party advertising on banners, flags and balloons may only be granted for a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Municipal, Provincial or Parliamentary election or referendum.
2. The display of banners is prohibited on any bridge or across any public road, and along any road designated by the Municipality, unless consent has been obtained from the Municipality.
3. Banners may not be attached so as to interfere with or constitute a danger to passing pedestrians of vehicular traffic.
4. No banner may be larger than 3m<sup>2</sup> except with the prior written approval of the Municipality.
5. No banner may be displayed within 30 metres of any road traffic sign or traffic signal.
6. Banners are not to be affixed to trees, traffic signal poles, electrical or service authority distribution boxes, or other poles which carry road traffic signs, rock, other natural features, street furniture or other Municipal property.
7. Banners may not be affixed in such a way that they unfairly prejudice other businesses or organisations or obscure any approved existing signs.
8. Only one advertising banner per premises will be permitted unless the Municipality's written permission is obtained for more than one banner and the applicant is to submit in writing the time frame required for the erection of such banner, which time frame may not exceed ten days unless the Municipality has specified, in its approval, that a longer period has been granted.

## SCHEDULE 11

### POSTERS

Subject to approval in terms of this Bylaw, the erection or display of posters is permitted in all areas of control except natural and rural areas of maximum control. In addition

1. The name of the host organisation, the date and venue must appear on the posters in letters not less than 50 mm in height.
2. Posters may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the poster.
3. The Municipality may levy a tariff to cover the cost for the removal of the posters which have been erected without the approval of the Municipality.
4. Posters may be displayed for a maximum period of fourteen days prior to the event and must be removed within 2 days from the date of the event or the last day thereof as applicable.
5. Posters with a maximum measurement of 80 cm x 50 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damage caused to the poles. No securing material with a metal content is permitted.
6. Posters, excluding election posters, may only be erected in the streets as indicated by the Municipality and may not be erected in residential areas or bridges.
7. Only one poster per organisation may be erected on every second streetlight pole.
8. Posters must be erected at a uniform height of approximately 2 metres.
9. No posters may be affixed to trees, traffic signs, traffic signals, central ridges, existing advertising signs or any municipal buildings or over hydrant identification signs.
10. No posters may be displayed within 30 m of any road traffic sign or traffic signal.
11. All materials used to affix the posters must be removed together with the posters.
12. The Municipality may remove any indecent or torn posters or any posters which creates a traffic hazard.
13. The display of posters purely for commercial advertising is not permitted, provided that any poster which relates to a sport, the arts, or cultural event may be permitted, despite such posters containing commercial elements.
14. Organisations or persons intending to display posters must pay a deposit as determined by the municipality, which shall entitle that person to display the said poster for a maximum period of 14 days, or such time as stipulated by the Municipality. No poster may be displayed without such deposit having been paid.
15. The Municipality may remove or request the applicant to remove all posters should any of the above conditions not be complied with.
16. Posters that are not removed by the due date may be removed by the Municipality in which case the deposit paid in terms of item 14 will be forfeited to the municipality.

## SCHEDULE 12

### ESTATE AGENT SIGNS

Subject to approval in terms of this By-law, the erection or display of estate agent signs is permitted in all areas except natural areas of maximum control. In addition:

1. "Show House" signs may be displayed only from 12h00 on Friday to 20h00 on Sundays.
2. Estate Agent signs may not be affixed to trees, traffic signals, street poles or other poles which carry road traffic signs, walls, fences, rocks, other natural features or landscaped areas, street furniture, or other Municipal property, unless such other display is authorized by the

- Municipality in writing.
3. On each sign, the wording "On Show", "Show House", "Show Flat" or "Show Plot" with the Agency's name and directional arrow must be displayed.
  4. Signs may be displayed on stakes making use of a design approved by the Municipality. Estate Agent signs may not be displayed on concrete, premix or paved surfaces. It is not permissible for stakes to penetrate the ground deeper than 15cm.
  5. Estate Agent signs may not exceed 0.3m<sup>2</sup> in total area.
  6. Not more than six estate agent directional signs will be permitted in total per show house, show plot or block of flats in which a show flat is on display. The definition of one sign will include the display of two signboards only when such boards are sandwiched back to back around an electric light pole.
  7. Estate Agent signs may not be displayed along Scenic Drives or on any bridge, public park or public open space.
  8. Only one directional sign per show house / flat / plot may be displayed along class 2 or 3 roads, excluding roads referred to in item 7 above.
  9. No Estate Agent sign may obscure a road traffic sign.
  10. No Estate Agent sign may be erected on center islands.
  11. No Estate Agent sign may be erected in such a way that any part of it is closer than 1.5m from a road verge.
  12. Directional signs may be displayed along main routes only, being the shortest route from a main road to the property.
  13. No Estate Agent signs may be erected on any tarred area of pavements.
  14. "Sold" / "For Sale" / "To Let" signs may be erected flush against the fence or wall of the property.
  15. "Sold" signs may be displayed flush against the fence or wall of the property for a maximum period of two weeks only.
  16. No signs indicating anything other than property for sale may be erected or displayed by Estate Agents.
  17. Estate Agencies must apply annually for permission to display Estate Agent signs and approval may be subject to payment of an annual fee in accordance with the Municipality's Schedule of Tariffs.
  18. A deposit may be required by the municipality against which a charge for the removal of any sign which contravenes the By-law will be levied. In the event of the above deposit being exhausted, permission to display such signage may be withdrawn until a further deposit is paid to the Municipality.
  19. Any Estate Agent sign unlawfully erected, or in contravention of the provisions of this Schedule, will be subject to a charge by the Municipality; in the event of the said sign not being removed by the Municipality, photographic evidence of the unlawful sign may be obtained by the Municipality prior to levying the said charge.

### SCHEDULE 13

#### LOOSE PORTABLE SIGNS

Subject to approval in terms of this By-law, the erection or display of loose portable signs is permitted in areas of minimum and partial control as well as designated areas within urban areas of maximum control. In addition:

1. Loose portable signs may not be placed in a road reserve or in public open spaces without the written permission of the Municipality.
2. The Municipality may remove and impound loose portable signs placed without permission in a road reserve or on Municipal property. Owners can recover their signs on payment of the prescribed fee as determined the Municipality which will be used to defray the cost of removal, storage and transportation.
3. The following criteria will apply in respect of an application in terms of item 1:
  - (a) that it does not pose a hazard in terms of safety to the public;
  - (b) that it does not obstruct or cause inconvenience to the public either by its physical size or location;
  - (c) that it does not unfairly prejudice other traders;
  - (d) that the loose portable sign or proposed number thereof does not detract from the amenity of the local streetscape or local environment;
  - (e) that it is intended solely to advertise the name of the business, goods or services for sale from the advertiser's premises;
  - (f) that the maximum dimensions of the proposed loose portable sign shall be 1.2m (height) x 0.6m (width).
  - (g) that it may be placed directly in front of the advertiser's premises, provided that the above criteria are met; and
  - (h) that a minimum clear footway width of 1.8 metres must remain clear and 2.5 metres in the central business district and sidewalks with high pedestrian volumes.
4. The municipality may demarcate areas within the road reserve or on municipal property where, during normal trading hours, applicants may then place the approved loose portable signs. The said signs must be removed outside normal trading hours and stored away from public view.
5. The municipality may levy tariffs for displaying the loose portable signs, which tariffs shall be payable in advance for a maximum period of six months.
6. Applicants will be required to indemnify the Municipality against any claims from third parties that may arise, due to the placement of loose portable signs within the road reserve or on municipal property.
7. Notwithstanding the above, the Municipality may cause the removal or impoundment of the sign or signs should the applicant contravene any of the above conditions.

### SCHEDULE 14

#### AERIAL SIGNS

Subject to approval in terms of this By-law, the erection display of aerial signs is permitted only in urban areas of partial or minimum control. In addition:

1. No aerial signs affixed to any building or structure may be flown at a height of more than 45 metres from the surface measured from ground level.
2. Aerial signs may not be flown above a public road.



**SCHEDULE 15**

**TRANSIT ADVERTISING**

Subject to approval in terms of this By-law, the erection or display of transit advertising signs is permitted only in urban areas of partial or minimum control. In addition:

1. The parking of a transit advertising sign which is visible from a public road or a public place for the purpose of third-party advertising is prohibited, except if it is displayed on a designated display site approved in terms of this By-law.
2. Transit advertising signs parked on private property for the purpose of storage must be positioned in such a manner as not to be visible from a street or public place.
3. The advertising panel or portion of the vehicle used for transit advertising may not exceed a cumulative total of 18m<sup>2</sup> in areas of partial control, which size may be increased to a maximum size of 36m<sup>2</sup> in areas of minimum control.
4. The Municipality may designate sites in areas of partial and minimum control for transit advertising and may publish notices indicating such sites.
5. Notwithstanding any provisions of this By-law, the Municipality may, without prior notice remove any unauthorised transit advertising signs from municipal property, and, in the case of unauthorised transit advertising on private property, the Municipality may serve a notice ordering the removal thereof in terms of this By-law.
6. Transit advertising signs must be fixed to the ground at the parking location.

**SCHEDULE 16**

**SIGNS ON MUNICIPAL LAND OR BUILDINGS**

1. No advertising sign may be displayed or erected on municipal land or buildings without the written permission of the municipality.
2. The following specific conditions and criteria will apply to the signs mentioned in items (a) to (c) below:
  - (a) *Commercially sponsored signs other than those in section 13(10)*  
Notwithstanding the area of control within which it is proposed to erect a commercially sponsored sign on municipal land or buildings, and subject to compliance with all other provisions of this By-law, the Municipality may consider a commercially sponsored sign for approval, subject to the following:
    - (i) community needs or goals must be identified or adopted by the Municipality and if such needs can be addressed either entirely or in part by the granting of concessions to particular persons for the erection of commercially sponsored signs, the Municipality may call for public input on such community needs or goals and the related advertising opportunity.
    - (ii) in order to identify such community needs or goals, the municipality and other interested authorities must consult prior to proposals being invited, so as to establish conditions, criteria and constraints in respect of such advertising.
    - (iii) the Municipality's Supply Chain Management Policy will apply.
    - (iv) that any proposal be evaluated on the following factors:
      - (aa) the adherence to the principles of this By-law;
      - (bb) the design contribution;
      - (cc) the best community benefit offered;

- (dd) the creativity and public safety;
  - (ee) the permanence of the contribution to the community goals or needs; and
  - (ff) the recovery cost over the period of the erection of the sign as opposed to the largest advertising opportunity or financial gain.
- (v) when contributions in kind are to be recovered by the Municipality, a conversion thereof to a monetary contribution to the Municipality's income base will be assessed.
  - (vi) the Municipality, as landowner, reserves the right not to proceed with any proposal prior to final approval thereof and the call for invitations for proposals in any respect shall not be regarded as decision by the Municipality to proceed with the erection of a sign in respect of a specific site.
  - (vii) once accepted, any sign to be erected in terms of this schedule must be the subject matter of a written agreement between the Municipality as landowner and the person responsible for the erection of the sign.
- (b) *Sponsored signs*  
Notwithstanding the area of control within which it is proposed to erect such a sign on Municipal owned land or buildings and subject to compliance with all other provisions of the By-law, the Municipality may consider a sponsored sign for approval on condition that:
- (i) written detail which clearly indicates the recognised community goals which will be promoted by the erection or display of the proposed sign;
  - (ii) signs with a political content will not be permitted;
  - (iii) no more than 5% of the total surface of the sign is used for third party advertising.
  - (iv) the maximum size of any such sign will be 6m x 3m; provided in the event of a V-shaped sign where the size may not exceed two panels of 6m x 3m each.
  - (v) applications for billboards to be erected in terms of this section comply with the requirements as set out in Schedule 2.
  - (vi) no sign erected in terms of this clause be located within 5 metres of a property's boundary line.
- (c) *Non-profit body signs*  
Notwithstanding the area of control within which it is proposed to erect a sign, and subject to compliance with all other provisions of this By-law, the Municipality may consider the erection of a sign by or for the benefit of a non-profit body subject to compliance with the requirements set out in Schedule 17 hereto.

#### SCHEDULE 17

##### SIGNS ERECTED BY OR FOR THE BENEFIT OF NON-PROFIT BODIES

1. Notwithstanding the area of control within which it is proposed to erect a sign by or for the benefit of a non-profit body, and subject to compliance with all other provisions of this By-law, the Municipality may consider such a sign for approval subject to the following:
  - (a) written details from the host non-profit body regarding the nature and extent of the support to be received from the erection or display of the sign must be delivered to the Municipality together with the other information set out in section 3 of this By-law;
  - (b) the extent of involvement of previously disadvantaged communities, small businesses, job creation and empowerment will be considered in any proposal;
  - (c) that any proposal be evaluated on the following factors;

- (i) the adherence to the principles or provisions of this By-law;
  - (ii) the design contribution;
  - (iii) the best community benefit offered;
  - (iv) the creativity and public safety; and
  - (v) the permanence of the contribution to the community goals or needs as opposed to the largest advertising opportunity or financial gain.
- (d) in the event of it being proposed that the said sign will be erected on municipal property:
- (i) the municipality must evaluate the proposal;
  - (ii) the municipality as landowner reserves the right not to proceed with any proposal prior to final approval thereof; and
  - (iii) if accepted, a written agreement between the Municipality, the person responsible for the erection of the sign and the non-profit body must be entered into.
- (e) In addition the following conditions will apply:
- (i) signs with a political content will not be permitted;
  - (ii) the maximum size of any such sign is 6m x 3m; provided in the event of a V-shaped sign being proposed, its maximum size will not exceed two panels of 6m x 3m each;
  - (iii) applications for billboards to be erected in terms of this section must comply with the requirements as set out in Schedule 2;
  - (iv) no sign erected in terms of this clause may be located within 5 metres of a property's boundary line;
  - (v) the name of the non-profit body must be displayed prominently along the top width of the sign with a maximum 300mm lettering height;
  - (vi) all parties that may be affected by the erection or display of such sign must be given opportunity for their input;
  - (vii) the Municipality may require submission of impact assessment studies; and
  - (viii) no more than two individual signs of 6m x 3m each may be permitted, or alternatively one V-shaped sign with a maximum of two panels of 6m x 3m each on any one property. In addition, only one sign per street frontage will be permitted.

No. 268

**BLUE CRANE ROUTE MUNICIPALITY  
PREVENTION OF PUBLIC NUISANCES AND KEEPING OF ANIMALS  
BY-LAW**

Under of section 156 of the Constitution of the Republic of South Africa, 1996, the Blue Crane Route Municipality, enacts as follows:-

Table of contents

1. Definitions
2. Application of by-law

**CHAPTER I: GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES**

3. Behaviour and conduct

**CHAPTER II: GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS**

4. Permission to keep animals
5. Plans for structures and management
6. Consideration of application and imposition of conditions
7. Visibility of structures on premises
8. Wavering of requirements and withdrawal of authorisations
9. Validity of authorisations
10. Duties of owner or keeper of animal
11. Animals kept in unsatisfactory manner
12. Destruction of animals
13. Hawking of animals

**CHAPTER III: PROVISIONS RELATING TO KEEPING OF DOGS, CATS AND PETS**

*Part 1 – General Provisions relating to dogs, cats and pets*

14. Number of dogs and cats
15. Breeders of dogs and cats
16. Breeders of pets
17. Conditions and restrictions
18. Withdrawal of permission
19. Dogs or cats in public places

*Part 2 – Specific provisions relating to dogs*

20. Control of dogs

**CHAPTER IV: DOG KENNELS, CATTERIES, PET SHOPS AND PET PARLOURS**

21. Permission to operate

**CHAPTER V: CO-OPERATION BETWEEN MUNICIPALITIES**

22. Service delivery agreements

**CHAPTER VI: POWERS OF MUNICIPALITY IN CASE OF OMISSION BY DISTRICT MUNICIPALITY**

23. Failure or omission by District Municipality

CHAPTER VII: GENERAL PROVISIONS

24. Right of entry and inspection
25. Service of documents and process
26. Transitional provisions
27. Appeal
28. Penalties
29. Exemptions
30. Liaison forums in Community
31. Repeal of by-laws
32. Short title and commencement

1. **Definitions**

In this by-law, unless the context otherwise indicates –

“**agent**”, in relation to the owner of a property, means a person appointed by the owner of the property-

(a) to receive rental or other payments in respect of the property on behalf of the owner; or

(b) to make payments in respect of the property on behalf of the owner;

“**animal**” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person, but excluding any pet;

“**bird**” means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

“**cattery**” means any establishment where cats are bred or boarded;

“**district municipality**” means the Cacadu District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**kennel**” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“**municipality**” means the Municipality of Blue Crane Route established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee 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 manager**” is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, Act 117 of 1998, and includes a person –

(a) acting in such position; and

(b) to whom the municipal manager has delegated any power, function or responsibility;

“**owner**” –

(a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;

- (b) in relation to property includes an occupier, lessee, servitude holder, trustee, executor, curator or assignee, agent or administrator of such property;  
 "pet" means a tame animal which is kept in a household for companionship or amusement;  
 "pet parlour" means an establishment where pets are groomed;  
 "petshop" means an establishment where pets are kept for trading purposes;  
 "poultry" means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock or peahen or bird whether domesticated or wild;  
 "premises" means –  
 (a) land or a portion of land, whether or not a building or structure has been constructed or erected on such land or portion thereof; or  
 (b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicle, carriage, ship or boat;  
 "public nuisance" means any act, omission or condition on any premises, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of the public;  
 "public place" means any square, building, park, recreation ground or open space which:–  
 (a) is vested in the municipality;  
 (b) the public has the right to use; or  
 (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;  
 "responsible authority" means the Blue Crane Route Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;  
 "street" means any road, street or thoroughfare or any section or part thereof which is commonly used by the public or to which the public has a right of access;,  
 "structure" means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter or the keeping or enclosing of animals.

## 2. Application of by-law

- (1) Sections 4(1), 14(1), 15(1), 21(1) and 24 do not apply to –  
 (a) premises which is used for bona fide agricultural purposes; or  
 (b) premises identified by the municipality where the keeping of animals or the operation of pet parlours, pet shops or catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.
- (2) A person who keeps animals on premises contemplated in subsection (1) is not exempt from the provisions relating to the inception or bringing about of a public nuisance.

## CHAPTER I

### GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

## 3. Behaviour and conduct

- (1) No person may –

- (a) do work on or use any premises in such a manner that it interferes with the convenience or comfort of other people or that it becomes a source of danger to any person;
  - (b) carry on any trade, business, profession or hobby which may be a source of discomfort or annoyance to other people;
  - (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse, garden refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons;
  - (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
  - (e) allow any building or structure or any portion thereof to fall into a dilapidated, neglected or unsightly state;
  - (f) use any stoep, verandah or alley of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
  - (g) enclose any stoep or verandah of any shop or business premises by any means otherwise than by such means as approved by the municipality;
  - (h) disturb the comfort, convenience, peace or quiet of other people by the use of electrical appliances or machinery whether malfunctioning or not;
  - (i) defoul, misuse or damage public toilets;
  - (j) carry or convey in any street or public place, any objectionable material or thing, which is or may become offensive or dangerous, unless such material or thing is suitably covered;
  - (k) allow any erf to be overgrown to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;
  - (l) by an action allow that a nuisance be created or continued;
  - (m) bathe or wash him- or herself or any animal, article or clothing in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose;
  - (n) at any time disturb the public peace by making unseemly noises in any manner whatsoever;
  - (o) cause a nuisance by loitering in any street or public place;
  - (p) advertise wares or services by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
  - (q) in any street or public place use any abusive or threatening language;
  - (r) cleanse or wash any vehicle or part in any street or public place;
  - (s) discharge any fire-arm, airgun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.
- (2) (a) In the event of a contravention of section 3(1)(a) to (l), the municipality may issue a notice on the owner, occupier or alleged offender to terminate the action or to abate the nuisance created. In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith may be recovered from the

- person responsible for the nuisance or the owner or occupier of the premises whether or not such owner or occupier is responsible therefore.
- (b) Where any vacant or developed premises or land in the vicinity of a street is used by unauthorised persons or where any of the materials or things mentioned in subsection (1) are dumped or deposited on such premises, the municipality may serve a written notice on the owner or occupier requiring him or her to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence must be so constructed that it will effectively prevent the entry of unauthorised persons and the dumping of materials and things.
- (3) For the application of this by-law, any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.
- (4) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given thereunder is guilty of an offence.

## CHAPTER II GENERAL PROVISIONS RELATING TO KEEPING OF ANIMALS

### 4. Permission to keep animals

- (1) No person may keep or permit to be kept on any premises any animals, excluding pets, without the written permission of the municipality.
- (2) Any person who applies for a permit to keep a wild animal must, when submitting an application contemplated in subsection (1), furnish the municipality with a captivity permit issued by the Department of Economic Affairs, Environment and Tourism.
- (3) The municipality may determine the number of bee hives, as well as the kind, number and gender of animals that may be kept and the areas within which the keeping of such animals will be prohibited.
- (4) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants or surrounding premises.
- (5) A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

### 5. Plans for structures and management

The municipality may require from applicants who apply to keep animals that they must submit an application form and a detailed site plan according to specifications set by the municipality.

### 6. Consideration of application and imposition of conditions

- (1) The municipality may, after consideration of –
- (a) the input or comments obtained in terms of section 4(3);
  - (b) the location, geographical features or size of the premises in respect of which the application is submitted;
  - (c) the documents and site plans submitted in terms of section 5; or



- (d) any other information relating tot the application, refuse to grant consent or grant consent.
- (2) Where consent is refused, the municipality must furnish the applicant with the reasons for such refusal and at the same time advise him or her of the right of appeal in terms of section 27.
- (3) Where consent is granted, the municipality may impose conditions.

**7. Visibility of structures on premises**

- (1) All structures in which animals are kept must be suitably screened from any street.
- (2) A person who fails to comply with subsection (1) commits an offence.

**8. Wavering of requirements and withdrawal of authorisations**

The municipality may after considering conditions particular to the property and provided that no objection is received from the owners or occupants of surrounding premises, waive any or all of the requirements of this part and impose other conditions and may withdraw any consent granted in terms of section 6(3) if any of the conditions imposed are not adhered to.

**9. Validity of authorisations**

All authorisations to keep animals granted in terms of any by-law or regulation repealed are deemed to have been granted in terms of this by-law.

**10. Duties of owner or keeper of animal**

- (1) The owner or keeper of an animal –
  - (a) may not cause or allow an animal to interfere with the comfort, convenience, peace or quiet of other people;
  - (b) must provide such animal with shelter, water and proper food ; and
  - (c) must maintain the premises on which an animal is kept in good repair and in a neat condition in order to prevent the occurrence of a public nuisance.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

**11. Animals kept in unsatisfactory manner**

- (1) Whenever animals kept on any premises are a public nuisance, the municipality may by written notice require the owner or occupier of such premises to remove the cause of and to abate such nuisance.
- (2) The municipality may prescribe the steps that need to be taken or the work that must be done to remove the cause of and to abate any nuisance.
- (3) Any activities undertaken by the owner in terms of a notice contemplated in subsection (1) will be for such owner's own account.
- (4) If an owner fails to comply with a notice issued in terms of subsection (1) the municipality may take the steps required and recover the cost thereof from such owner.
- (5) A person who fails to comply with a notice contemplated in subsection (1) commits an offence.

**12. Destruction of animals**

- (1) The municipality may order the euthanization or destruction of an animal which is –
  - (a) dangerous or ferocious; or
  - (b) injured or diseased to such an extent that it would be humane to do so.
- (2) An animal to be destroyed in terms of subsection (1) must be euthanized by a registered veterinary surgeon or destroyed with such instruments or appliances and in such a manner as to inflict as little suffering as possible.
- (3) A person who fails to comply with an order contemplated in subsection (1) or who contravenes subsection (2) commits an offence.

**13. Hawking of animals**

- (1) No person may hawk an animal in a street or public place or from a movable structure or vehicle.
- (2) A person who contravenes subsection (1) commits an offence.

**CHAPTER III****PROVISIONS RELATING TO KEEPING OF DOGS, CATS AND PETS***Part 1 – General Provisions relating to dogs, cats and pets***14. Number of dogs and cats**

- (1) Subject to the provisions of section 15, no person may, without the permission of the municipality, keep on any premises –
  - (a) more than two dogs; and
  - (b) more than two cats.
- (2) An application for permission in terms of subsection (1) must be submitted on an application form obtainable from the municipality and must contain an exposition of the breed, gender and number of dogs or cats applied for.
- (3) A restriction imposed under section 17 on the number of animals that may be kept on premises does not apply for a period of 10 weeks after the birth of a litter from an animal kept in terms of a permit.
- (4) A person who contravenes subsection (1) commits an offence.

**15. Breeders of dogs and cats**

- (1) A breeder of dogs or cats who wishes to keep more than two dogs or cats who wishes to keep more than two cats must obtain permission from the municipality.
- (2) The municipality may require the submission of plans and specifications of structures in which it is proposed to keep the dogs or cats as well as a site plan indicating all existing or proposed structures and fences on the premises.
- (3) A person who fails to obtain the permission of the municipality as required in subsection (1) commits an offence.

**16. Breeders of pets**

- (1) A person who breeds pets must obtain the approval of the municipality.
- (2) The provisions of section 15(2),(3) and (4) are with the necessary adjustment applicable to an application in terms subsection (1).
- (3) A person who contravenes subsection (1) commits an offence.

- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

**25. Service of documents and process**

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person –
  - (a) when it has been delivered to him personally;
  - (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age or sixteen years;
  - (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
  - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
  - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

**26. Transitional provisions**

- (1) A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 4(2), may not replace animals that die or are disposed of and must gradually reduce the number of animals that may be kept.

**27. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**28. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment and a further amount equal to any costs and expenses incurred by the municipality as result of any contravention.

**29. Exemptions**

Notwithstanding the provisions of this by-law, the municipality may exempt any person and class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

**30. Liaison forums in community**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating conditions for a local community to participate in the affairs of the municipality; and
  - (b) promoting a safe and healthy environment;
- (2) A liaison forum may consist of –
  - (a) a member or members of an interest group, or an affected person;
  - (b) a designated official or officials of the municipality; and
  - (c) a councillor.
- (3)
  - (a) the municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum.
  - (b) a liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

**31. Repeal of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**32. Short title and commencement**

This by-law is called the Prevention of Public Nuisances and Keeping of Animals By-law and will come into operation on the date of publication thereof in the Provincial Gazette.