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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

BY-LAW RELATING TO ROADS AND STREETS

The Buffalo City Municipal Council, Province of the Eastern Cape, hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), the By-Law relating to Stormwater Management, as passed by the Municipal Council.

PURPOSE OF THE BY-LAW

To provide for the regulations of Management in the area of Buffalo City Municipality relating to roads and streets, and to regulate activities, which may have detrimental effect on the development, operation and maintenance of activities in the road reserve.

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CHAPTER 1 - DEFINITIONS & INTERPRETATION

1. DEFINITION

1) In these By-Laws, unless the context otherwise indicates: -

“authorized agent” means an agent which is authorized by the Council to perform specified services;

“Code” means the Code of Practise for work in the Road Reserve as approved by the Council and as agreed to by the parties including any appendices attached hereto:

“Council” means: -

- (a) The Buffalo City Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its Municipal Council; or
- (b) Its successor in title; or
- (c) A structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) A service provider fulfilling a responsibility under these by-laws, assigned to it in terms of Section 81(2) of the Local Government : Municipal Systems Act, or any other law, as the case may be.

“public road” means road, sidewalk, island in a road, subway, avenue, bridge, as shown on the general plan of a township or in respect of which the public has acquired a prescription or other right of way and which is vested in the Council in terms of the Municipal Ordinance 1974 (Ordinance 20 of 1974), or Section 2 of the Divisional Councils Ordinance 1976 (Ordinance 26 of 1976), or any amendments thereto and includes a street and a sidewalk.

“road authority” means the organization or authorized agency appointed by the Council that is responsible for providing and maintaining the road network within the municipal area of the Council; Directorate of Engineering Services: Roads Branch.

“road reserve” means the full width of a public road, and includes the verge and the roadway;

“service” means any system for supplying a public need that a service agency has on the road reserve;

“service agency” means that any Municipal Department, public agency, company or utility that has a service in the road reserve;

“sidewalk” means that portion of street between the outer boundary of the roadway and the boundary lines of the adjacent property or buildings which are intended for the use of pedestrians;

“storm water” means water resulting from natural precipitation or accumulation and includes rain water, surface water, subsoil water or spring water;

“storm water drain” means a pipe, conduit or surface channel situated on a site, which is used to convey storm water to a suitable point of discharge;

“street” has the meaning assigned thereto by Section 2 of the Municipal Ordinance, 1974 (Ordinance 20 of 1974), or Section 2 of the Divisional Councils Ordinance, 1976 (Ordinance 18 of 1976), or as amended thereto, and, except where inconsistent with the context, includes a sidewalk;

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“vehicle” has the meaning assigned thereto by Section 1 of the Road Traffic Ordinance, 1966 (Ordinance 21 of 1966);

“wayleave” means a formal approval to carry out work in the road reserve;

“work in the road reserve” means any activity, including the activities provided for in Section 2 of this Code, carried out within the road reserve.

2. INTERPRETATION

The provisions of the Code of Practice for work in the road reserve set out in Schedule 2 of the By-Laws, form part and parcel by these by-laws for all purposes.

CHAPTER 2 - PUBLIC ROADS & STREETS

3. SIDEWALKS AND ENCROACHMENTS ON STREETS

No person shall:

- (a) construct or lay a sidewalk in a street:
 - (i) except with the written permission of the road authority, or
 - (ii) otherwise than in accordance with the requirements prescribed by such road authority, or
- (b) Construct a veranda, stoep, wall on a stoep, steps or other projection or erect a post in a street except with the written permission of the road authority.

4. ADVERTISEMENTS VISIBLE FROM STREETS

- 1) No person shall display any advertisement, placard, poster or bill in a street: -
 - (a) except with the written permission of the road authority, and
 - (b) otherwise than in accordance with such conditions as may be determined by such road authority.
- 2) This Section shall not be applicable to signs which have been exempted under the provisions of the Standard By-Law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets, promulgated under Provincial Notice 593 dated 26 September 1958, as amended.

5. ANIMALS OR OBJECTS CAUSING AN OBSTRUCTION

No person shall:

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, off-loading or removal thereof, or
- (b) in any way, obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any object or vehicle (other than a perambulator or wheelchair which is being used for the conveyancing of children or the disabled), or
- (c) cause or allow any blind, awning, cord or other object to project over or onto a street
 - (i) except with the written permission of the road authority, or
 - (ii) otherwise than in accordance with such conditions as may be determined by such road authority.

6. TREES IN STREETS

- 1) No person shall: -
 - (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the road authority.
 - (b) climb, break or damage a tree growing in a street, or
 - (c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.
- 2) Any tree or shrub planted in a street shall become the property of the road authority.

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7. TREES CAUSING AN INTERFERENCE OR OBSTRUCTION

- 1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the road authority may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- 2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
- 3) If any person fails to comply with a notice in terms of this section, the road authority may itself prune or remove the tree or growth at the expense of the person on whom the notice is served.

8. REFUSE, MOTOR VEHICLE WRECKS, WASTE MATERIAL ETC.

No person shall:

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place, or
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him.
- (c) except with the written permission of the road authority and otherwise than in accordance with such conditions as may be determined by such road authority.

9. PROHIBITION UPON CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS IN STREETS

No person shall, in a street: -

- (a) effect any repairs to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
- (b) clean a vehicle or wash, clean, dry or bleach any other article or thing

10. PROHIBITION UPON GAMES AND OTHER ACTS IN STREETS

No person shall: -

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street, or
- (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public.

11. USE OF EXPLOSIVES

No person shall use explosives or undertake blasting operations: -

- (a) except with the written permission of the road authority, and
- (b) otherwise than in accordance with such conditions as may be determined by such road authority.

12. CONVEYANCE OF ANIMAL CARCASSES OR OTHER WASTE PRODUCTS THROUGH STREETS

No person shall carry out or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure or any other product that may be detrimental to the street:

- (a) unless it is properly covered, and
- (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

13. FENCES ON STREET BOUNDARIES

No person shall erect a fence on the boundary of a street except with the written permission of the road authority: -

- (a) maintenance of fences along street boundaries or road reserves is for the account of the property owner.

14. BUILDING MATERIALS IN STREETS

No person shall: -

- (a) bore or cut stone, slake or sift lime, or mix building materials in a street, and
- (b) store or place building materials in a street or transport building materials, mixed or unmixed, across the street in such a way as to damage the street.

15. BALCONIES AND VERANDAS

No person shall, except with the written permission of the road authority:

- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon, or
- (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living room or bedroom.

16. OUT SPANNING IN STREETS

No person shall Out span or allow to be out spanned in any street any vehicle or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle.

Protection of street surface and

17. ROADSIDE FURNITURE

1) No person shall:

- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street or roadside furniture, and
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street or roadside furniture in any way.

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- 2) If the road authority identifies a person who, as a result of the actions referred to in Subsection (1), has damaged, broken or destroyed the surface of a street or roadside furniture, the cost of repairs, as determined by the said local authority, may be recovered from the offender.
- 3) No person other than an authorised official of the road authority in the performance of his duties may apply, mark, paint or draw lines, marks, works, signs or advertisements on the surface of a street.

18. DAMAGING OF NOTICE BOARDS

No person shall deface, damage or in any way interfere with any notice board, road traffic sign, street name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the road authority

19. EXCAVATION IN STREETS

No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street: -

- (a) except with the written permission of the road authority, and
- (b) otherwise than in accordance with the requirements prescribed by such road authority attached as schedule 2.

20. POISON IN STREETS

No person other than an official of a road authority or an authorised person who administers legally approved weed-killers or poisons shall set or cast poison in any street.

21. ROLLER-SKATING AND SKATING ON SKATEBOARDS PROHIBITED IN STREETS

No person shall, except with the prior written permission of the road authority, skate in a public parking area or street on roller skates or a skateboard or similar device.

22. OVERFLOW OF WATER INTO STREETS

No person shall cause or allow any water other than rain water to flow into a street.

23. BEHAVIOUR IN STREETS

- 1) No person shall cause a nuisance to other persons by loitering, standing, sitting or lying in a street or public place.
- 2) No person shall: -
 - (a) use abusive, insulting, obscene, threatening or blasphemous language;
 - (b) fight or act in a riotous manner;
 - (c) beg or ask members of the public for money or contributions;
 - (d) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
 - (e) obey the call of nature at a place other than a sanitary convenience provided and approved for such purpose by the road authority;
 - (f) solicit or importune any person for the purpose of prostitution or immorality;

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- (g) engage in gambling;
 - (h) use intoxication liquor, or
 - (i) spit
- in a street or public place.

24. ANIMALS

No owner or person in charge of any wild or ferocious animal, monkey or horned cattle shall allow such animals at any time to be insufficiently attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public.

25. DISPLAY OF STREET NUMBER OF PLACES

Council may prescribe by notice in writing that a number allocated to premises by such Council shall be displayed on such premise, and may also prescribe the position where it is to be displayed, and the owner or occupier of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises in accordance with such notice.

26. CONTROL OF STANDS AT WHICH FLOWERS AND OTHER PRODUCE ARE OFFERED FOR SALE

- 1) The road authority may by resolution and by means of an advertisement in a newspaper published within its area of jurisdiction from time to time allocate and assign stands where flowers or other goods or produce may be offered for sale upon the streets: provided that the position of such stands may in the same manner be amended or abolished from time to time by resolution and advertisement.
- 2) No person shall display or offer for sale upon the streets flowers or other goods or produce except at such stands as may be prescribed by the road authority in terms of this section and unless he has received a permit from the road authority in terms of section and unless he has received a permit from the road authority to do so; provided that this section shall not apply to temporary stalls upon the streets for the sale of flowers and produce in aid of charity or public funds or charitable or public institutions, for which permission has been granted by the road authority; provided further that this section shall not apply to duly licensed hawkers and pedlars.

27. BRIDGES AND CROSSINGS OVER GUTTERS AND SIDEWALKS

No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place: -

- (a) except with the written permission of the road authority, and
- (b) otherwise than in accordance with the attached requirements:
 - (i) gutter bridges type entrances to be avoided, depressed or roll over construction being the preferred option.
 - (ii) no entrances to exceed 6.0m in length
 - (iii) no alterations to the sidewalks or street levels being made
 - (iv) maintenance and construction of entrances to be for the property owner's account

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- (v) only one entrance / exit be permitted per property
- (vi) all deviations from above be approved in writing by the road authority
- (vii) all costs to be for the applicants / property owners account

28. CONTROL OF AMUSEMENT SHOWS AND DEVICES

- 1) No person shall set up or use in any street or public place any circus, whirligig, roundabout or other side show or device for the amusement or recreation of the public: -
 - (a) except with the written permission of the road authority;
 - (b) otherwise than in accordance with such conditions as may be determined by such road authority;
 - (c) unless suitable sanitary conveniences for both sexes of the staff have been provided there, and
 - (d) if it is in any way dangerous or unsafe for public use.
- 2) An authorised official of the road authority or a member of the police force shall, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

29. CONTROL OF ANIMAL-DRAWN VEHICLES

No person shall: -

- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
- (b) drive or be in control of an animal-drawn vehicle in a street if he is under 16 years of age, or
- (c) if he is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

30. VEHICLES TO BE ATTENDED

No person shall, in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the Council authority.

31. ROAD AUTHORITY MAY ACT AND RECOVER COSTS

- 1) Notwithstanding any other provisions of this By-Law, a road authority may: -
 - (a) where the permission of the road authority is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
 - (b) where any provision of this By-Law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance.

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the road authority may require to rectify such contravention within the period stated in such notice.

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- 2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence, and the road authority may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

32. PENALTIES

- 1) Any person who contravenes or fails to comply with any of the provisions of this By-Law shall be guilty of an offence.
- 2) Any person shall who continues to commit an offence after notice has been served on such person has been convicted of such offence shall be guilty of a continuing offence.
- 3) Any person convicted of an offence under this By-Law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceeding six months or a combination of the aforementioned; and, in the case of a continuing offence, for each day on which such offence is continued, to an additional fine not exceeding two hundred rands per day or additional imprisonment for a period not exceeding ten days for each additional imprisonment for a period not exceeding ten days for each day on which such offence is continued or a combination thereof.
- 4) Such fines may be increased from time to time by resolution of the Buffalo City Council.
Every person committing a breach of the provisions of this By-Law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

33. REPEAL OF BY-LAWS

Any By – law which is in conflict with this By- law be and is hereby repealed.

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

SCHEDULE 1 – REPEALED BY-LAWS

NO	SUBJECT	DETAILS	P.N	DATE	EXTENT OF REPEAL
115a	Street	Standard By-Law relating to Streets (PN562/1987-2/10/1987)	562/1987	2/10/1987	The Whole
115b	Street	Standard By-Law relating to Streets (PN562/1987-2/10/1987)	562/1987	02/10/1987	The Whole
115c	Street	By-Law relating to Streets (PN562/1987-As Amended)	562/1987	2/1/1987	The Whole
115d	Street	Standard By-Law relating to Streets (PN562/1987-7/10/1987 & PN162/1991-22/2/1991))	562/1987	7/10/1987	The Whole
116	Street	Additional Streets, PN1170/1976-10/12/1976)	1170/1976	10/12/1976	The Whole

SCHEDULE 2 - CODE OF PRACTISE FOR WORK IN ROAD RESERVE

FOREWORD

Although the road authority is solely responsible for its own road network, the value of other services in the road reserve are often more than that of the road itself and therefore require as much maintenance, rehabilitation and replacement. These activities, together with the work that has to be carried out on the road itself, result in considerable delays, inconvenience, danger and additional costs to the road users. Furthermore, any work which is done in the road reserve can have serious cost implications as a result of the following:

- Damage to roads and other services
- Damage to vehicles
- Injury to vehicle occupants or pedestrians
- Reduction of the effective life of the road, footway or other services; and
- Time and social costs caused by delays

There is therefore a need to ensure careful control and co-ordination of all work in the road reserve. This is the duty of the road authority who is the custodian of all municipal road reserves. In order to fulfill this duty, the road authority produced this document that attempts to ensure maximum co-ordination and co-operation between all the various departments and agencies that have to share the road reserve to provide Services to their customers.

It is the aim of this document to minimize the effect of all work in the road reserve to the benefit of all concerned, and in particular the ratepayers, road users (motorists and pedestrian), service agencies and the road authority. Included are the procedures to apply, process and approve wayleaves, procedures to follow while doing the work, and on completion of the work, as well as specifications according to which the work must be done.

This initiative can only succeed if every agency and department that works in the road reserve cooperate by working according to this Code and by providing feedback on how the system can be improved.

DEFINITIONS

In this Code, unless the context otherwise indicates-

“authorized agent” means an agent which is authorized by the Council to perform specified services;

“Code” means the Code of Practise for work in the Road Reserve as approved by the Council and as agreed to by the parties including any appendices attached thereto;

“Council” means –

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

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instruction given, as contemplated in Section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of Section 81 (2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

“road authority” means the organization or authorized agency appointed by the Council that is responsible for providing and maintaining the road network within the municipal area of the Council; Directorate of Engineering Services: Roads Branch

“road reserve” means the full width of a public road, and includes the verge and the roadway;

“service” means any system for supplying a public need that a service agency has on the road reserve;

“service agency” means any municipal department, public agency, company or utility that has a service in the road reserve;

“wayleave” means a formal approval to carry out work in the road reserve;

“work in the road reserve” means any activity, including the activities provided for in Section 2 of this Code, carried out within the road reserve.

1. PROCEDURE

1.1. The basic procedure which is required for work in the road reserve is as follows:

- 1.1.1. Approval must first be obtained for the proposed work from the relevant municipal department or authorized agent.
- 1.1.2. Any wayleave must then be applied for in accordance with the procedure set out in this document, before any approved work can be carried out in the road reserve.
- 1.1.3. If the wayleave application conforms to the requirements in this document, a wayleave will be issued by the road authority which allows for the work to be carried out.
- 1.1.4. The road authority must be informed 48 hours prior to the commencement of the work.
- 1.1.5. The work must be carried out according to the procedures and specifications in the Code, the conditions under which the work was approved and any other requirements of every affected service agency;
- 1.1.6. On completion of the work all trenches and excavations in the road reserve must be backfilled and reinstated according to the specifications contained in the Code.
- 1.1.7. On completion of the work and temporary or permanent reinstatement, as applicable, a completion notice must be sent to the road authority by the wayleave holder. A reinstatement order must accompany the completion notice for the road authority has to do the permanent reinstatement.
- 1.1.8. The road authority will then carry out an inspection and issue a certificate of completion once all requirements have been met.

1.2. The code applies to every person who carries out work in municipal road reserves in the municipal area of the Council, such as internal municipal departments, external organizations, service agencies and contractors. It does not apply to work in national or provincial road reserves within the municipal area of the Council.

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- 1.3. The road authority undertakes to inform the relevant service agency in writing before commencing with any work in the road reserve that may affect the services of the service agency in the road reserve.

2. WORK IN THE ROAD RESERVE

- 2.1. Work in the road reserve includes the digging of trenches, tunneling, erection of signboards, erection of structures, shaping and landscaping and any other work that may affect motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, traffic calming, traffic signals, street lighting, underground or overhead services or any other structure or service that is contained within the road reserve.

3. WAYLEAVE

- 3.1. The road authority has jurisdiction over the road reserve and no work may be done on the road reserve before a wayleave in respect thereof has been issued by the road authority. A wayleave is permission (“leave”) to cross the “way”, i.e. the road.
- 3.2. To obtain a wayleave, a wayleave application form (see Appendix A) must be submitted, accompanied by three copies of the approved drawing showing details of the proposed work. Details required on the drawing are:-
 - 3.2.1. a clear depiction of the proposed work
 - 3.2.2. where any service is to be installed, the depth of the every service below the level of the surface of the road;
 - 3.2.3. distance of the service from the road reserve boundary (i.e. the property boundary)
 - 3.2.4. position and extent of all structures including underground structures such as manholes, chambers, junction boxes, etc.
- 3.3. Once all these requirements have been complied with, a wayleave will be issued by the road authority. An example of a wayleave appears in Appendix A.
- 3.4. The application for a wayleave must be submitted timeously to ensure that a wayleave can be issued before the work is programmed to start. Work being carried out in the road reserve without a wayleave will be stopped by the road authority. A copy of the wayleave must therefore always be on site when work is being done in the road reserve.
- 3.5. The wayleave holder accepts full responsibility for all costs associated with the work, including any damage to any other service, the cost of relocation of any other service, backfilling and reinstatement, test and any claim that may result from the work.
- 3.6. Only work described in the wayleave may be done and only at the locations given in the wayleave. The work described in the wayleave must commence within 90 days of date of issue of the wayleave, failing which the wayleave lapses and re-application is required.

4. COSTS

4.1. Reinstatement Cost

- 4.1.1. When the road authority does the permanent reinstatement, the cost involved will be payable by the applicant to the road authority. The cost will be determined using Contract 26.

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4.1.2. In this case the wayleave application form must be accompanied by official order for an amount based on the expected area to be reinstated. The final invoiced amount payable will be determined using the measured area of the final reinstatement as determined by the road authority.

4.1.3. It is important to note that the decision on who does the permanent reinstatement lies with the road authority.

5. EXISTING SERVICES IN THE ROAD RESERVE

5.1 The wayleave holder must obtain information from every service agency supplying a service within the municipal area of the Council on the location of its service. Every service must then be indicated on the drawings to be submitted with the wayleave application form. Every service agency may impose additional conditions relating to work in the vicinity of its service.

5.2 As part of the undertaking/indemnity on the wayleave application form, the applicant has to confirm that the necessary information has been obtained from every service agency and has to undertake to adhere to any additional conditions imposed by any service agency.

6. ROAD CATEGORIES

6.1 All roads are classified into one of the following categories as described below. The category of a road determines the nature of the specification for backfilling and reinstatement.

6.2 The following definitions apply for the road categories:

Function	Category	Road Type	Administration
A (Class 1)	A1	National Roads	SANRAL
	A2	Primary – (inter) provincial	Eastern Cape DOT
	A3	Urban Freeway/Motorway	Road Authority
B (Class 2)	B2	Primary – (inter) provincial	Eastern Cape DOT
	B3	Major – (inter) urban arterials	Road Authority
C (Class 3)	C2	(Inter) district connectors	Eastern Cape DOT
	C3	Minor (intra) urban arterials	Road Authority
D (Class 4)	D2	Intra district connectors	Eastern Cape DOT
	D3	(Intra) district collectors	Road Authority
	D4	(Intra) district collectors & industrial roads	Road Authority
E (Class 5)	E4	Urban distributors	Road Authority
F (Class 6)	F4	Local access roads	Road Authority
G (Class 7)	G5	Private roads / Cull-de-Sac	Road Authority/Residents

6.3 Every road has been categorized into one of the above by the road authority and this information can be obtained from it.

7. PROTECTED ROADS

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- 7.1 Over and above the seven road categories, defined in Section 6 of the Code, certain roads are further classified as protected roads (no-dig roads).
- 7.2 A protected road is a road across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the road authority. A road is designated as protected when it is of particular strategic importance or if it poses special engineering difficulties. Every arterial is, for example, protected. Any road that has been newly constructed, overlaid or resurfaced will be protected for a period of seven years.
- 7.3 If a road is protected it will be indicated as such on the way leave.
- 7.4 A protected road may only be crossed using a trench less method. If a trench less method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the road authority.
- 7.5 For the purpose of planning work done by a service provider, F4 and G5 may be regarded as unprotected unless the road has been newly constructed, overlaid or resurfaced and falls within the seven year protected period: Provided that the first 20m from an intersection with any other class road is considered to be protected.

8. TRAFFIC SIGNS AND BARRICADING

- 8.1 It is the responsibility of the way leave holder to ensure that any law regarding traffic safety, traffic signs and barricading is complied with.
- 8.2 The way leave holder must take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is in progress, or is uncompleted.
- 8.3 Any traffic sign and barricading must be done according to the latest edition of the South African Roads and Traffic Signs Manual (SARTSM), Volume 2, Chapter 13. An extract from that document appears in Appendix B.
- 8.4 A way leave holder must contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done.
- 8.5 The importance of adequate traffic signs and barricading must be stressed. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers and also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signposted irrespective of how long the work will take.

9. ROAD CLOSURES

- 9.1 The granting of a way leave does not give the way leave holder the authority to close the road completely to traffic. Methods of construction and programmes of work must be determined on the basis that no road, or portion of road, may be completely closed to traffic for any appreciable period.
- 9.2 In exceptional circumstances permission will be granted for the closure of a road or portion of road to traffic, subject to the provisions of any law. The way leave holder must apply to the road authority and traffic department separately for approval of such closure two weeks prior to the road being closed. Such a road closure will be approved for a specific period i.e. from and to a specific time on a specific date and is only valid for this specific period. If the work is not completed in this specific period, an application for a new road closure will have to be made.

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- 9.3 Work carried out on any arterial, major collector and CBD road will be restricted to outside the following periods, namely from 6:30 to 09:00 and 15:30 to 18:00, to ensure free flow of traffic during peak hours.

10. EXCAVATIONS

- 10.1 The area which is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench must be cut with a saw to ensure smooth uniform edges.
- 10.2 The minimum depth that any service may be placed under a road is 800mm measured from the level of the surfacing of the road to the top of the service. The minimum depth at any other place in the road reserve, e.g. on a verge, is also 800mm measured from the lowest level of the surfacing of the road and not from natural ground level. Any service not subject to being laid at a specific grade such as water pipes and cables should not be placed at a depth in excess of the 800mm as this could interfere with a future service that has to be laid at a specific grade, such as sewers and storm water pipes.
- 10.3 All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians. A safe passage must be kept open for pedestrians at all times.
- 10.4 The way leave holder will be responsible for any damage to any existing service. Any service, indicated on the drawings or on site by a representative from any service agency, must be opened by careful hand digging. If the service cannot be found, the relevant service agency must be contacted again for further instructions. Under no circumstances may a way leave holder dig with mechanical equipment before every known service has been found and marked. When found, a service must be marked and protected or supported as required by the owner. If any service needs to be moved, instructions from the owner must be followed carefully. The way leave holder will be responsible for all movement costs. If any service is damaged during excavations, the relevant service agency must be contacted immediately.
- 10.5 Adequate preventative measures must be taken to ensure that no water (e.g. due to rain) flows into the open trenches since this will result in the weakening of the structural layers of the road. Any water that is present in a trench must be pumped out before backfilling. Water must be pumped into the storm water system and not into a sewer manhole. Any material that has become wet must be removed from the bottom of the trench before backfilling.
- 10.6 The way leave holder must prevent any foreign material from entering any drain and ensure that silting does not occur either from pumping operations or as a result of rain. If any silting or other contamination does occur, the wayleave holder must clean the drain or request the road authority to do it at the cost of the wayleave holder.
- 10.7 All re-usable material such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and re-used if possible.
- 10.8 If any street furniture (e.g. street names, traffic signs, bus shelters, etc) has to be removed, arrangements must be made with the relevant authority for the removal, storage and re-erection thereof.
- 10.9 If an excavation is made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength and properly secured against movement. The occupants of the properties must be kept informed at all times of how their access will be affected.

11. TRENCHLESS METHODS

- 11.1 If the trench less method is used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the wayleave holder using such method must have all necessary equipment and expertise to complete the work successfully. Trench less methods can be used for all road categories, but must be used for all roads classified as protected in terms of Section 7.
- 11.2 The position of every existing service must be located accurately. If any service is damaged, the wayleave holder will be responsible for all costs to repair such damage.
- 11.3 The depth to the top of any tunnel that is drilled for the installation of a new service, must be at least 800mm measured from the level of the surfacing of the road.

12. EMERGENCY WORK

- 12.1 Emergency work is defined as any work which is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.
- 12.2 The road authority must be informed of emergency work by the service agency concerned in writing within 24 hours from commencing such work. If the road authority is not timeously informed, the work will be reinstated by the roads authority and the cost thereof will be invoiced against the service agency at the increased tariff for work without a wayleave permission.

13. SPECIFICATIONS FOR BACKFILLING AND REINSTATEMENTS

13.1 General

- 13.1.1 Any trench activity disturbs the structural integrity of a road or footway. Backfilling and reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- 13.1.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, sub base, selected sub grade and sub grade but excludes the surfacing.
- 13.1.3 Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- 13.1.4 Backfilling must in every case be done by the wayleave holder in accordance with the applicable specifications in Section 13.2 and 13.3. Permanent reinstatement (100mm asphalt layer), as specified in Section 13.4 and 13.5 must be done by the road authority.
- 13.1.5 If the permanent reinstatement must be done by the road authority, the wayleave holder must do a temporary reinstatement as specified in Section 13.7. The wayleave holder will then be charged for the permanent reinstatement at the applicable rates. A reinstatement order must in such case be submitted together with the completion notice. The temporary reinstatement will be removed by the road authority and the backfilling will then be tested. If this does not comply with the applicable specifications it will be replaced at the cost of the wayleave holder. These costs are to be over and above the normal reinstatement costs.

13.2 Preparation of the Bottom of the Trench and Backfilling around Service

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The trench bottom must be prepared and compacted according to the requirements of the service agency concerned, to ensure that the service is not damaged. The same applies to the backfilling around the service. If any service with a diameter of more than 300mm is installed, the sub grade material used for the reinstatement must be soil Crete (in-situ material mixed with 8% cement), placed with poker vibrators up to a level of 300mm above the top of the service.

13.3 Backfilling of Roads

- 13.3.1 The minimum requirements of the road authority are that the structural layers of the backfilled trench, i.e. the base, sub base, selected sub grade and sub grade down to a depth of 800mm below the level of the surfacing of the road, must have at least the same shear strengths as those of the adjacent undisturbed structural layers.
- 13.3.2 It should be noted that it is generally very difficult to obtain the same quality structural layers in the confinement of a narrow trench as that of the undisturbed adjacent structural layers when the same materials are re-used.
- 13.3.3 One of the following methods must therefore be used to ensure adequate shear strengths in trench filling. The wayleave holder may use one of the following three methods for backfilling:

METHOD A. - RE-USING EXCAVATED MATERIAL

During excavation of the trenches, the material from the top 400mm of the excavation (or in the case of arterials, collectors and industrial roads the top 550mm) must be stockpiled separately from the rest of the material being excavated. This material must then be improved through chemical stabilization with cement and used for the base and sub base layers during backfilling, and in the case of arterials, collectors and industrial roads also for the selected sub grade layers.

The requirements for this method is given in Figure 1 following on Section 13.8.7.

If the material is not stockpiled separately during excavation, the road authority will require that material with the required properties be imported. Material which was originally stabilized cannot be re-used and must be discarded.

METHOD B. - IMPORTING MATERIAL

Import a G5 gravel material and stabilize with 60kg of cement per m³ of material. Water must be uniformly mixed into the material. The material must then be placed in the trench in 75 to 100mm layers and compacted to the required Mod. AASHTO densities as specified in Figure 1 of the Code. The final layer must be finished to a level of 100mm below the level of the surrounding sound surface of the road.

METHOD C. - LOW STRENGTH CONCRETE: SPECIALLY DESIGNED CONCRETE MIX (SDCM) FOR TRENCH BACKFILLING

All road Trenches/Openings: Place 300mm SDCM concrete of minimum 2.5Mpa crushing strength (28 days) and manufactured to an approved manufacturer's specification. The SDCM concrete mix is to be placed 500mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of Mod AASHTO density.

All Footway Trenches/Opening: Place 150mm SDCM concrete of minimum manufacturer's specification. The SDCM concrete mix is to be placed 300mm below the level of the surrounding sound surface of the

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road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

13.3.3 Quality control of the backfilled structural layers can be done by measuring the shear strengths of the adjacent structural layers as well as that of the backfilled layers. The shear strength can be measured with a dynamic cone penetrometer (DCP) or a rapid compaction control device (RCCD). Although the shear strengths of the backfilled layers will be measured against the undisturbed structural layers, an indication of probable acceptance on most roads can be obtained from the typical DCP and RCCD Penetration diagram shown on Figure 2 following on Section 13.8.7.

13.4 Backfilling of Footways

13.4.1 Any footway, where there is no possibility of vehicles crossing the footway, must be backfilled using the G5 material, placed in the trench in 150mm layers and compacted to 90% Mod AASHTO density (maximum DCP penetration of 19mm/blow) for all layers below the base and 93% Mod AASHTO density (maximum DCP penetration of 14mm/blow) for the base.

13.4.2 Any footway where there is a possibility of light vehicles (cars and LDV's) crossing the footway, typically where there is mountable kerbing, must be backfilled using Method A or Method B described in Section 13.3.3 according to the standards for local streets specified in Figure 1 following on Section 13.8.7.

13.4.3 Where any heavy vehicles make use of a footway, such as loading zones in industrial areas, the footway must be backfilled using Method A or Method B described in Section 13.3.3 according to the standards for arterials, collectors and industrial roads on Figure 1 following on Section 13.8.7.

13.4.4 Any excavation in an unconstructed verge must be backfilled in such a way that the verge is in the same condition after backfilling as it was before excavation. All excess material must be removed and not spread over the verge. Topsoil must be removed and stored separately and replaced as the final layer if required.

13.5 Permanent Reinstatement of Roads

13.5.1 The same method of reinstatement must be used independent of the method of backfilling of the structural layers.

13.5.2 The permanent reinstatement of the surfacing must consist of 100mm hot-mix asphalt. The lower 70mm can be "black base" (26.5mm nominal stone size, continuously graded) and the top 30mm fine (4.75mm nominal stone size, continuously graded). Cold mix may only be used only for temporary reinstatement. Both these surfacing layers must be compacted to 95% Marshall density.

13.5.3 The reinstated surfacing must be at least 100mm wider than the trench on both sides to accommodate any edge break where saw cutting was not possible.

13.5.4 The material used for the reinstatement of the surfacing must comply with the relevant requirements of Section 4200: Asphalt Base and Surfacing of the Committee of Land and Transport Officials (COLTO) or its successor in title, Standard Specification for Road and Bridge Works.

13.5.5 In the case of any road surfaced with interlocking paving blocks, the general procedure would be to re-use the material removed during the excavation of the trench. If new material has to be used, it must be of the same type and size as the existing material and must comply with the requirements of SABS 1058-1985, as amended.

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13.6 Permanent Reinstatement of Footways**13.6.1 Material used must comply with the following requirements.**

- a) Precast concrete kerbs and channels: Any precast concrete kerbs and channel must comply with the requirements of Section 2300: Concrete Kerbing, Concrete Channelling, Open Concrete Chutes and Concrete Linings for Open Drains of the COLTO Standard Specification for Road and Bridge Works. All cast in-situ concrete must be Class 25/19.
- b) Concrete paving blocks: All concrete paving blocks must comply with the requirements of SABS 1058-1985 as amended.
- c) Cast In-situ concrete: All cast in-situ concrete must comply with the relevant requirements of Section 6400: Concrete for Structures of the COLTO Standard Specification for Roads and Bridge Works. All cast in-situ concrete must be Class 25/19.
- d) Precast concrete paving slabs: All concrete paving must comply with the requirements of SABS 541-1971, as amended.

13.6.2 Any constructed footway must be reinstated with the same surfacing materials that existed originally (e.g. concrete blocks, slabs, etc.). Material may be re-used if undamaged, or else replaced with similar material.

13.6.3 If a private driveway and footway with non-standard materials are to be excavated, the owner of the property concerned must be informed in advance and in writing of the intended work. The owner must then supply the way leave holder with the materials that are to be used for the reinstatement.

13.6.4 If any unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation. If the sods are allowed to dry out or become damaged in any way, they must be replaced.

13.6.5 If any unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instructions on what to do with the plants that are affected. Every effort must be made to preserve all plants.

13.7 Temporary Reinstatements by the Wayleave Holder

If the permanent reinstatement is to be done by the road authority, the way leave holder must do temporary reinstatement with a suitable material that is compacted to an adequate density to ensure that it will carry the traffic for a period of at least 14 days without deforming or potholing. The temporary reinstatement must be maintained by the way leave holder in a serviceable condition for a period of 14 days from the date on which the completion certificate has been issued by the road authority. After the 14 days period the maintenance will be taken over by the road authority.

It is recommended that cold mix asphalt be used for temporary reinstatement.

13.8 Performance Specifications

13.8.1 The performance of any trench permanently reinstated by the wayleave holder will be monitored for 12 months, during which period the wayleave holder will be held responsible for any remedial work that may be required.

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13.8.2 The tests that were used for quality control (density or shear strength) will be used to determine whether or not the work was done according to specifications. The road authority may do additional tests if the quality control tests are not considered to be adequate.

13.8.3 Remedial work will be required if any of the following defects exists:

- a) Depressions;
- b) Humps (crowning);
- c) Edge depression (trips, vertical discontinuities) at the interface; or
- d) Cracking.

13.8.4 Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100mm or more of the length of the trench:

Reinstatement Width (mm)	Height of Deformation or Hump as measured with straight edge (mm)
Up to 400	4
400 to 500	4
500 to 600	6
600 to 700	6
700 to 800	8
800 to 900	8
Over 900	8

13.8.5 Remedial work will also be required if a depression results in standing water wider than 500mm or exceeding one square metre, one hour after rain has stopped.

13.8.6 Any edge depression exceeding 10mm over 100mm or more of the length of the trench will require remedial work.

13.8.7 Any open crack wider than 3mm and longer than 100mm will require remedial work.

Layer	Treatment	Layer Thickness (mm)	Depth (mm)
Surfacing	Temporary Surfacing Material from to 400 (550)mm 4% OPC (Ordinary Portland Cement) 98% Mod AASHTO	Permanent Surfacing 30mm Bitumen hot-mix fine 70mm Bitumen hot-mix: BTB	100
			100

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Base	G2 Base Course Stabilize with 4% OPC Compact with 98% Mod AASHTO	150	
			250
Sub base	G5 or similar Stabilize with 4% OPC Compact to 95% Mod AASHTO	150	
			400
Sub grade	Arterials, Collectors and Industrial Streets: Local Street Material from top 550mm stockpile Stabilize with 4% OPC Compact to 93% Mod AASHTO	150	
			800

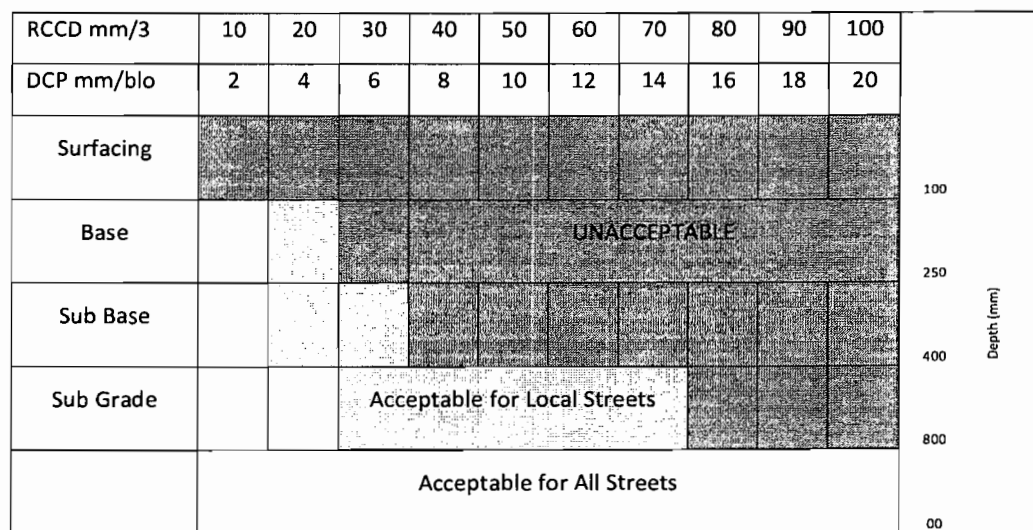


Figure 2 - Typical DCP and RCCD Penetration Diagram

14. COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

14.1 On completion of the work concerned the way leave holder must fill in a completion notice and return it to the road authority within 24 hours (see Appendix A for an example and a completion notice). The road authority will then arrange a site meeting with the way leave holder to do an inspection and to issue a certificate of completion if all requirements have been met. The 12-month period of permanent reinstatement by the way leave holder, or the 14 day maintenance period for temporary reinstatement by the way leave holder, commences on the day after the date of issue of the certificate of completion.

14.2 Completion of the work means that all work has been completed and that all material, equipment and rubble have been removed and the site is completely cleared and cleaned and

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

that either the permanent or temporary reinstatement, as applicable, has been done by the way leave holder.

- 14.3 If work involves more than one street link (street block), a completion notice must be submitted after completion of each link.

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BUFFALO CITY MUNICIPALITY
PROCEDURE FOR WAYLEAVE APPLICATION



STEP 1-BY APPLICANT	<p>Obtain detailed information from all relevant service agencies with regard to all services adjacent to where the work is to be carried out. Provide them with a drawing at minimum scale 1:500, with NORTH POINT, BLOCK PLAN WITH STAND NUMBERS, STREET NAMES AND HOUSE NUMBERS (where possible). All service information must be obtained before applicant applies for way leave.</p> <p><u>Please Note:</u> If information of the position, or levels or the services are required, exposing and backfilling these services must be undertaken by hand. Give the relevant service agency two weeks prior notice to obtain this information.</p>																						
STEP 2-BY APPLICANT	<p>Prepare a drawing of the proposed work showing the following details:</p> <ol style="list-style-type: none"> 1. PROPOSED WORK 2. DEPTH OF PROPOSED SERVICE BELOW ROAD LEVEL 3. DISTANCE OF PROPOSED SERVICE FROM BOUNDARY 4. POSITION OF ALL STRUCTURES INCLUDING UNDERGROUND STRUCTURES 5. EXTENT OF UNDERGROUND STRUCTURES 6. LOCATION OF ALL OTHER SERVICES <p>(If there is no service from a particular service agency for that area, written confirmation to that effect from that agency is required)</p>																						
STEP 3-BY APPLICANT	<p>The signed copies of the drawings and the signed application form must be handed over to the Roads Branch, for final approval.</p>																						
STEP 4-BY APPLICANT	<p>The Roads Branch office will check whether all requirements have been met. The Roads Branch office will register the application. When it has been registered a way leave number will be allocated and the way leaves will be issued. The applicant must take note of all the special condition (see Annexure A in the Code). The Roads Branch office will forward the details of the approved way leave to the relevant District Engineer in whose area the excavation will take place and he will monitor the site and make sure that the correct standards and the Code is adhered to during the excavation. The District Road Engineer must be present when the DCP tests are done to approve backfilling.</p>																						
STEP 5-BY WAYLEAVE OFFICE	<p>On completion of the work the applicant must contact the District Roads Engineer who will arrange a site meeting to sign off the completed work. <i>Thereafter a certificate of completion will be issued once all requirements have been met. The 12 month guarantee period of permanent reinstatements by the way leave holder commences on the day after the date of issue of the certificate of completion.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">COASTAL</th> <th style="text-align: center;">MIDLAND</th> <th style="text-align: center;">INLAND</th> </tr> </thead> <tbody> <tr> <td>Name:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Contact No:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Cell. No:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Fax. No:</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				COASTAL	MIDLAND	INLAND	Name:				Contact No:				Cell. No:				Fax. No:			
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BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

BUFFALO CITY MUNICIPALITY					
WAYLEAVE APPLICATION FORM					
Application is hereby made by the undersigned to do work in the road reserve as detailed below. The applicant undertakes to do the work according to the latest edition of the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE.					
No work may commence before a way leave is issued in respect thereof. All permanent reinstatements (100mm asphalt layer) will be done by the road authority unless specific permission is granted to the applicant to do it for this way leave. All applicable fees are to accompany this application.					
APPLICANT					
AGENCY	<input type="checkbox"/>	DEPARTMENT	<input type="checkbox"/>	PRIVATE	<input type="checkbox"/>
CONTACT PERSON:			CONTACT TEL.		
CONTRACT FAX.			E-mail:		
PROJECT NO.			ORDER NO.		
PROVISIONAL DATES					
STARTING DATE:			COMPLETION DATE:		
DRAWING NUMBER:					
LOCATION OF WORK (give full details)					
SUBURB :			STREET NAME:		
STREET (FROM) :			STREET (TO):		
ERF NO'S :					
HOUSE NO'S :					
EXCAVATION DETAILS					
LENGTH OF EXCAVATION					
RIDING SURFACE	KERBS	ASPH FOOTWAY	INTERNAL BLOCK	UNPAVED FOOTWAY	
m2	m2	m2	m2	m2	

SPECIAL NOTE

For the purpose of planning work done by service providers, local streets may be regarded as unprotected unless it has been newly surfaced and provided that the first 20m from an intersection with any other class road are considered to be protected.

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

THE FOLLOWING AGENCIES ARE AWARE THAT THE APPLICANT WILL BE WORKING WITHIN THE VICINITY OF THEIR SERVICES, HAVE GIVEN THE APPLICANT THEIR CONDITIONS FOR WORKING WITHIN THE VICINITY OF THEIR SERVICES AND THEREFORE HAVE NO OBJECTION TO APPLICANT APPLYING FOR A WAYLEAVE.

AGENCY	REMARKS/SIGNATURE/DATE
ELECTRICITY	
WATER	
WASTEWATER	
TELKOM	
OTHER	

Road Authority OFFICE USE:

Date Received _____ Name of Official _____ Signature _____

Approved Yes No WAYLEAVE NO.

BUFFALO CITY MUNICIPALITY - UNDERTAKING / INDEMNITY

I, the undersigned hereby,

- Acknowledge the receipt of a brochure containing the procedures and conditions pertaining to way leave application and understand that it will be my responsibility to contact the relevant service agencies within and outside the area of jurisdiction of Buffalo City Municipality, undertake to adhere to the conditions not applicable to this Department, e.g. TELKOM, ESKOM.
- Undertake to furnish the relevant service agencies with all necessary application forms and information obtained as a result of this application, in order to obtain final way leave approval and permission to work within the road reserve,
 - Acknowledge that service information is given in good faith and that the accuracy of this information is not guaranteed.
 - Guarantee all backfilling and permanent reinstatement work done by Contractor, for a period of 12 months that will start 14 days after the work is signed off as completed by the District Roads Engineer.
 - Accepts responsibility for all costs associated with the work, including any damage to other services, backfilling and reinstatements of trenches, the cost of any tests that may be required and any claims that may result from the work done by the Contractor until the work is taken over by the road authority the permanent reinstatement is completed.
 - Accept the terms and conditions of the aforesaid Code of Practice for Work in the Road Reserve.

Signature (Applicant) _____ Date _____ Signature (Dist. Roads Engineer) _____

BUFFALO CITY MUNICIPALITY



ANNEXURE A

SUMMARY CONDITIONS FOR WORK IN THE ROAD RESERVE

This page is intended to provide a summary of conditions and specifications. Please refer to Buffalo City Municipality's Code of Practice for Work in the Road Reserve for more detail.

Before any work is done in the road reserve, a way leave must be issued by the Road Authority. This will only be done after a completed way leave application form has been received by the Roads Branch. Before submitting the form, approval must be obtained from all other agencies indicated on the form

In the case of emergency work, (i.e. burst pipes) a way leave application form must be submitted within 24 hours and the road authority maintenance depot must be informed.

All work must be done according to the aforementioned Code of Practice. Only work indicated on the way leave form must be done and only during the period indicated, unless approval has been obtained from the Roads Branch to change the dates.

The way leave holder is responsible for all costs, including any damage to another service, backfilling, reinstatement, tests and any claim that may result. The way leave holder is also responsible for traffic signs, barricading and the safety of motorists, pedestrian and workers.

If any trees or road furniture are affected by the proposed work, then the relevant office must be contacted.

Any underground service must not have less than 800mm cover and all manhole or valve covers must be finished flush with the surface of the road or the verge.

Backfilling and reinstatement: Backfilling must be done according to the specifications given in the aforesaid Code of Practice. The minimum requirement is that the backfilled layers must have at least the same shear strengths as those of the adjacent undisturbed pavement layers. The tests done with a DCP or a RCCD will either be done by the road authority or a copy of the results handed into the issuing way leave office. The reinstatement (100mm asphalt layer) of the surface will be done by the road authority.

The way leave holder is responsible for obtaining the required strengths, but the following is recommended as a method that should be adequate in most cases.

The reinstatement of the surfacing must consist of 100mm hot-mix asphalt. The lower 70mm can be "black base" (26,5 mm nominal size, continuously graded) and the top 30mm fine (4,75mm nominal stone size, continuously graded hot mix). Cold mix may only be used for temporary backfills (Emergency backfill).

If desired the way leave holder may place foamed concrete of a minimum 4 MPa crushed strength and manufactured to an approved manufacture's specification. The foamed concrete is to be placed to level 100mm below the surrounding surface level. As soon as the foamed concrete has set sufficiently, a 70mm layer of asphalt base course material must be placed on top followed by a 30mm layer of continuously graded asphalt wearing course material.

The top 100mm of a trench must be backfilled by the way leave holder, compacted and maintained in a serviceable condition for a period of 14 days commencing on the day after the date of issue of the certificate of completion.

Constructed footways must be reinstated with the original surfacing materials and the supporting layers compacted to obtain shear strengths at least equal to those of the adjacent undisturbed footway.

Unconstructed verges must be backfilled in such a way that the verge is in the same condition as it was before excavation.

After completion of any work in the road reserve, the site must be cleared and cleaned and all excess material, tools and equipment must be removed within 24 hours.

The way leave form, or a copy thereof, must be returned to the Roads Branch within 24 hours after completion of the work with the completion notice and signed by all parties and must be accompanied by the DCP or RCCD tests results.

Any excavation left unattended for a period of more than 5 days, will be made safe by the road authority and charged to the service agency or contractor, who made the excavation.

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

BUFFALO CITY MUNICIPALITY CERTIFICATE OF INSPECTION & COMPLETION		
Wayleave No. _____		
The District Roads Engineer must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the way leave. The onus and responsibility of ensuring that the service has been correctly installed, is that of the applicant.		
Description of Wayleave		Date
Street On	Street From	Street To
Responsible person (for the erection/installation of the service)		
Name	Company	Telephone No
COMPLETION NOTICE The Roads Branch is hereby informed that: The work is done in terms of the above way leave has been completed according to the conditions as prescribed in the way leave. AND A temporary reinstatement has been done.		
Name	Signed	Date
CERTIFICATE OF COMPLETION It is hereby certified that the site of the work carried out in terms of the above way leave was inspected on the above date and that: <ul style="list-style-type: none"> • The work has been completed; and • The site has been cleared and cleaned; and • The 12 month defects liability period commences from date. OR The way leave holder did a temporary reinstatement and the 14 day maintenance period commences from the day after the date of issue of the certificate of completion. A reinstatement order was received from the way leave holder.		
SITE INSPECTIONS REMARKS: 		
REINSTATEMENT ORDER NO:		
The road authority way leaves inspector was present when the DCP tests were done (see site inspection remarks).		
Name (Dist. Roads Engineer)	Signed	Date

BUFFALO CITY MUNICIPALITY – BY-LAW RELATING TO ROADS AND STREETS

APPENDIX B

ROADWORKS SIGNING FOR URBAN STREETS

(Extract from the South African Road and Traffic Signs Manual (SARTSM), Volume 2, Chapter 13)

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General 1	3.10.1
Urban road works	13.10.1
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Sidewalk deviation	13.10.4
Localized work site – good visibility	13.10.6
Lane closed beyond a junction	13.10.8
Work within a junction	13.10.10
Work in a one-way street	13.10.12
Road closure – CBD	13.10.14
Road closure – dual carriageway street	13.10.16
Road closure – detour	13.10.18