



Provincial Gazette

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

V. L. PETERSEN (Ms),
DIRECTOR-GENERAL

Provincial Building,
Wale Street
Cape Town.

P.N. 1/2009

16 January 2009

RECTIFICATION

CITY OF CAPE TOWN (TYGERBERG REGION)

REMOVAL OF RESTRICTIONS ACT, 1967

I, Jeremy Benjamin, in my capacity as Deputy Director in the Department of Environmental Affairs & Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erven 10197 & 10198, Goodwood, remove conditions 1.C.2. and 2.B.(2) contained in Deed of Transfer No. T. 94627 of 2005.

P.N. 2/2009

16 January 2009

CITY OF CAPE TOWN (TYGERBERG REGION)

REMOVAL OF RESTRICTIONS ACT, 1967

I, Jeremy Benjamin, in my capacity as Deputy Director in the Department of Environmental Affairs & Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 7007, Bellville, removes condition B. 3. contained in Deed of Transfer No. T. 66131 of 2006.

P.N. 3/2009

16 January 2009

CITY OF CAPE TOWN

CAPE TOWN REGION

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 490, Bantry Bay, removes condition F. (2) and amends condition F. (3) contained in Deeds of Transfer No's. T. 92859 of 2002 and T. 31342 of 1997 to read as follows:

“That not more than one dwelling be erected on any lot without the written consent of the Council of the City of Cape Town, and that not more than 65% of the area of any lot be built upon.”

P.N. 4/2009

16 January 2009

CITY OF CAPE TOWN

CAPE TOWN REGION

REMOVAL OF RESTRICTIONS ACT, 1967

I, Farzana Parker, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 2162, Oranjezicht removes condition D.”(n) 4. in Deed of Transfer No. T 25620 of 2007.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

V. L. PETERSEN (Me),
DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat
Kaapstad.

P.K. 1/2009

16 Januarie 2009

REGSTELLING

STAD KAAPSTAD (TYGERBERGSTREEK)

WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, Jeremy Benjamin in my hoedanigheid as Adjunk-Direkteur in die Departement Omgewing Sake en Ontwikkelings Beplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erven 10197 & 10198, Goodwood, hef voorwaardes 1.C.2. en 2.B.(2) vervat in Transportakte Nr. T. 94627 van 2005, op.

P.K. 1/2009

16 Januarie 2009

STAD KAAPSTAD (TYGERBERGSTREEK)

WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, Jeremy Benjamin, in my hoedanigheid as Adjunk-Direkteur in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 7007, Bellville, hef voorwaarde B. 3. (a) vervat in Transportakte Nr. T. 66131 van 2006, op.

P.K. 3/2009

16 Januarie 2009

STAD KAAPSTAD

KAAPSTADSTREEK

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Bestuur, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staats President Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 490, Bantry Bay, hef voorwaarde F.(2) en wysig voorwaarde F.(3) soos vervat in Transportaktes Nr's. T. 92859 van 2002 en T. 31342 van 1997 om soos volg te lees:

“That not more than one dwelling be erected on any lot without the written consent of the Council of the City of Cape Town, and that not more than 65% of the area of any lot be built upon.”

P.K. 4/2009

16 Januarie 2009

STAD KAAPSTAD

KAAPSTADSTREEK

WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, Farzana Parker, in my hoedanigheid as Hoof Grondgebruikbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 2162, Oranjezicht hef voorwaarde D.”(n) 4. in Transportakte Nr. T 25620 van 2007, op.

P.N. 5/2009

16 January 2009

CITY OF CAPE TOWN
CAPE TOWN REGION

REMOVAL OF RESTRICTIONS ACT, 1967

I, Farzana Parker, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owners of the Erf 61355, Cape Town at Lansdowne, removes condition B. (2) and amend Condition B.(3) and C. (a) contained in Deed of Transfer No. T. 81219 of 2006 to read as follows:

B.(3) "That not more than 60% of the area of the said lot to be built upon."

C. "(a) "That not more than 60% of the area of the said lot be built upon."

REMOVAL OF RESTRICTIONS IN TOWNS

MOSSSEL BAY MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)ORDINANCE ON LAND USE PLANNING, 1985
(ORD. 15 OF 1985)LOCAL GOVERNMENT ACT: MUNICIPAL SYSTEMS,
2000 (ACT 32 OF 2000)ERF 2104 MOSSSEL BAY: REMOVAL OF RESTRICTIONS AND
SUBDIVISION

Notice is hereby given in terms of Section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Mossel Bay Municipality. Any enquiries may be directed to Mr G. Scholtz, Town Planning Department, PO Box 25, Mossel Bay, 6500, telephone number (044) 606 5074 and fax number (044) 690 5786. The application is also open to inspection at the office of the Director, Integrated Environmental Management: Region A1, Provincial Government of the Western Cape, at Room 207, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483 5830 and the Directorate's fax number is (021) 483 3633.

Any objections, with full reason thereof should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management at Private Bag X9086, Cape Town, 8000, on or before MONDAY, 16 FEBRUARY 2009 quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

In terms of Section 21 of Act 32 of 2000 persons who cannot write or read are invited to come to any one of the five Customer Care Managers of Council at Mossel Bay, D'Almeida, Kwanonqaba, Hartenbos and Great Brak River where assistance will be given to transcribe their comments or objections.

Applicant: H. Claasen, 77 Hofmeyr Street, Mossel Bay 6506

Nature of application: Removal of a restrictive title condition applicable to Erf 2104, 77 Hofmeyr Street, Mossel Bay to enable the owner to subdivide the property into two portions (Restant = ±1510m²; Portion A = ±700m²) in terms of Section 24, Ordinance 15 of 1985 for single residential purposes. Portion A will be consolidated with Erf 16577.

File Reference: 15/4/2/2; X15/4/2/4 E17/2/2/2/AM18 Erf2104, Mossel Bay

ACTING MUNICIPAL MANAGER

P.K. 5/2009

16 Januarie 2009

STAD KAAPSTAD
KAAPSTADSTREEK

WET OP OPHEFFING VAN BEPERKINGS, 1967

Ek, Farzana Parker, in my hoedanigheid as Hoof Grondgebruikbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhe, 1994, en op aansoek van die eienaars van die Erf 61355, Cape Town te Lansdowne, hef voorwaarde B. (2) en wysig B. (3) en C. (a) vervat in Transportakte Nr. T.81219 van 2006, om soos volg te lees:

B.(3) "That not more than 60% of the area of the said lot to be built upon."

C. "(a) "That not more than 60% of the area of the said lot be built upon."

OPHEFFING VAN BEPERKINGS IN DORPE

MOSSELBAAI MUNISIPALITEIT

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985
(ORD. 15 VAN 1985)WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,
2000 (WET 32 VAN 2000)ERF 2104 MOSSELBAAI: OPHEFFING VAN BEPERKINGS EN
ONDERVERDELING

Kragtens Artikel 3(6) van bogenoemde Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Mosselbaai Munisipaliteit. Enige navrae kan gerig word aan Mnr G. Scholtz, Stadsbeplanning, Posbus 25, Mosselbaai, 6500, telefoonnommer (044) 606 5074 en faksnommer (044) 690 5786. Die aansoek lê ook ter insae by die kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur: Streek A1, Provinsiale Regering van die Wes-Kaap, by Kamer 207, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 5830 en die Direkoraat se faksnommer is (021) 483 3633.

Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur by Privaatsak X9086, Kaapstad, 8000, ingedien word op of voor MAANDAG, 16 FEBRUARIE 2009 met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

In terme van Artikel 21 van Wet 32 van 2000 word persone wat nie kan lees of skryf nie, versoek om gedurende normale kantoorure enige van die vyf Klantediens bestuurders van die Raad te Mosselbaai, D'Almeida, Kwanonqaba, Hartenbos en Groot-Brakrivier onderskeidelik, te nader waar sodanige persoon gehelp sal word om sy/haar kommentaar of besware op skrif te stel.

Aansoeker: H. Claasen, Hofmeyrstraat 77, Mosselbaai 6506

Aard van aansoek: Opheffing van 'n beperkende titelvoorwaarde van toepassing op Erf 2104, Hofmeyrstraat 77, Mosselbaai, ten einde die eienaar in staat te stel om die eiendom in twee gedeeltes (Restant = ±1510m²; Gedeelte A = ±700m²) te onderverdeel in terme van Artikel 24, Ordonnansie 15 van 1985 vir enkelwoningdoeleindes. Gedeelte B sal gekonsolideer word met Erf 16577.

Lêer Verwysings: 15/4/2/2; X15/4/2/4 E17/2/2/2/AM18 Erf2104, Mosselbaai

WNDE. MUNISIPALE BESTUURDER

SWELLENDAM MUNICIPALITY

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND CONSENT FOR A SECOND DWELLING, ERF 1012, DOMINGO STREET, SUURBRAAK

Notice is hereby given in terms of Section 3(6) of the above Act and the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985) that the under mentioned application has been received and is open to inspection at the office of the Municipal Manager, Swellendam Municipality and any enquiries may be directed to the Municipal Manager, Swellendam Municipality, 49 Voortrek Street, PO Box 20, Swellendam, 6740. Tel: (028) 514 1100/Fax: (028) 514 2694.

The application is also open to inspection at the office of the Director, Integrated Environmental Management—Region B, Provincial Government of the Western Cape, at Room 601, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483 4634 and the Directorate's fax number is (021) 483 3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management—Region B at Private Bag X9086, Cape Town, 8000, with a copy to the abovementioned Municipal Manager Swellendam Municipality, 49 Voortrek Street, PO Box 20, Swellendam, 6740 on or before 16 February 2009, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Applicant: J H van Heerden (on behalf of A M and S L Luz)

Nature of application: Removal of restrictive title conditions applicable to Erf 1012, Domingo Street, Suurbraak, in order to enable the owner to erect a second dwelling on the property.

Municipal Office, Swellendam 16 January 2009. Notice no: 6/2009

W F HENDRICKS MUNICIPAL MANAGER

OVERSTRAND MUNICIPALITY

ERF 7070, 207 THIRD STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)

Notice is hereby given in terms of Section 3 (6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Overstrand Municipality, and any enquiries may be directed to the Senior Town Planner, Ms. MG van Vuuren, PO Box 20, Hermanus, 7200, (028) 313 8900 and at the fax number (028) 313 2093.

The application is also open to inspection at the office of the Director, Integrated Environmental Management—Region B1, Provincial Government of the Western Cape, at Room 601, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483 3009 and the Directorate's fax number is (021) 483 3098. Any objections, with full reason therefor, should be lodged in writing at the office of the abovementioned Director: Integrated Environmental Management at Private Bag X9086, Cape Town, 8000, on or before Friday, 20 February 2009 quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Applicant: Messrs. Guthrie & Theron (on behalf of Van Staden Family Trust)

Nature of application: Removal of restrictive title conditions applicable to Erf 7070, 207 Third Street, Hermanus in order, to allow an outbuilding to stand back less than thirty feet from the street on which the property front.

Notice No. 130/2008, Municipal Offices, Hermanus, 8 December 2008

SWELLENDAM MUNISIPALITEIT

WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967) EN VERGUNNING VIR 'N TWEDE WOONEENHEID, ERF 1012, DOMINGOSTRAAT, SUURBRAAK

Kragtens Artikel 3(6) van bostaande Wet en die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985) word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Swellendam Munisipaliteit, en enige navrae kan gerig word aan Munisipale Bestuurder, Swellendam Munisipaliteit, Posbus 20, Voortrekstraat 49, Swellendam, 6740 Tel: (028) 514 1100/Fax: (028) 514 2694.

Die aansoek lê ook ter insae by die kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur Streek B1, Provinsiale Regering van die Wes-Kaap, by Kamer 601, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 4634 en die Direktooraat se faksnommer is (021) 483 3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die Munisipale Bestuurder, Swellendam Munisipaliteit, Posbus 20, Voortrekstraat 49, Swellendam, 6740 Tel: (028) 514 1100/Faks (028) 514 2694, ingedien word voor of op 16 Februarie 2009 met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Aansoeker: J H van Heerden (namens A M en S L Luz)

Aard van aansoek: Opheffing van beperkende titelvoorwaardes van toepassing op Erf 1012, Domingostraat, Suurbraak ten einde die eienaar in staat te stel om 'n tweede wooneenheid op die eiendom op te rig.

Munisipale Kantoor, Swellendam, 16 Januarie 2009. Kennisgewing nr: 6/2009

W F HENDRICKS, MUNISIPALE BESTUURDER

OVERSTRAND MUNISIPALITEIT

ERF 7070, DERDESTRAAT 207 HERMANUS, OVERSTRAND MUNISIPALE AREA: VOORGESTELDE WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)

Kragtens Artikel 3 (6) van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Overstrand Munisipaliteit en enige navrae kan gerig word aan die Senior Stadsbeplanner, Me. MG van Vuuren, Posbus 20, Hermanus, 7200, (028) 313 8900 en by die faksnommer (028) 313 2093.

Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur: Streek B1, Provinsiale Regering van die Wes-Kaap, by Kamer 601, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 3009 en die Dkektoraat se faksnommer is (021) 483 3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur/Privaatsak X9086, Kaapstad, 8000, ingedien word op of voor Vrydag, 20 Februarie 2009 met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Aansoeker: Mnre. Guthrie & Theron (namens Van Staden Familie Trust)

Aard an aansoek: Opheffing van beperkende titelvoorwaardes van toepassing op Erf 7070, Derdestraat 207, Hermanus ten einde 'n buitegebou nader as dertig voet vanaf die straat waaraan die eiendom front toe te laat.

Kennisgewing Nr. 130/2008, Munisipale Kantoor, Hermanus, 8 Desember 2008

OVERSTRAND MUNICIPALITY
(Gansbaai Administration)

M.N. 1/2009

ERF 621, 61 INGANG STREET, DE KELDEERS: APPLICATION IN TERMS OF THE REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967),
CONSENT USE AND
DEPARTURE (GUESTHOUSE)

Notice is hereby given in terms of Section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Area Manager, Overstrand Municipality (Gansbaai Administration), Main Road, Gansbaai from 07:45-13:00 and 13:45-16:30 (Monday to Friday), and any enquiries may be directed to Mr S van der Merwe at PO Box 26, Gansbaai 7220, or Tel. no: (028) 384 8300 or fax no (028) 384 0241. E-mail: svdmerwe@overstrand.gov.za.

The application is also open to inspection at the office of the Director Integrated Environmental Management: Region B1, Provincial Government of the Western Cape, Room 601, Utilitas Building, 1 Dorp Street Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made to (021) 483 3009 and the Directorate's fax number is (021) 483 3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director: Integrated Environmental Management: Region B1, Private Bag X9086, Cape Town 8000, with a copy to the above-mentioned Area Manager on or before Monday 16 February 2009 quoting the above Act and the objector's erf number. Any comments/objections received after the afore-mentioned closing date, will be disregarded.

Notice is also given in terms of Section 21(4) of the Local Government Act: Municipal Systems, 2000 (Act 32 of 2000) that people who cannot write are welcome to approach the Town Planning section of the Overstrand Municipality (Gansbaai Administration) during normal office hours where ms A Calitz will assist them in transcribing their comments or objections in writing.

Applicant: Daledna CC

Nature of application:

1. Application for the removal of restrictive title conditions applicable to Erf 621, 61 Ingang Street, De Kelders in order to enable the owners to conduct a guest-house from the property.
2. Application for consent use in terms of the provisions of the Land Use Planning Ordinance, 1985 (Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to enable the owners of the above-mentioned property to operate a 3 bedroom guesthouse from the property.
3. Application for departure in terms of the provisions of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) in order to enable the owners of the above-mentioned property to utilize an additional 2 rooms for the accommodation of guests. (In terms of the Gansbaai Zoning Scheme Regulations, only 3 rooms of a single residential dwelling may, as a consent use, be utilized for guesthouse purposes.)

W Zybrands, Municipal Manager, c/o PO Box 26, Gansbaai, 7220

OVERSTRAND MUNISIPALITEIT
(Gansbaai Administrasie)

M.K. 1/2009

ERF 621, INGANGSTRAAT 61, DE KELDEERS:
AANSOEK INGEVOLGE DIE WET OP OPHEFFING VAN
BEPERKINGS, 1967 (WET 84 VAN 1967),
VERGUNNINGSGEBRUIK EN
AFWYKING (GASTEHUIS)

Kragtens Artikel 3(6) van bostaande Wet, word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Areabestuurder, Overstrand Munisipaliteit (Gansbaai Administrasie), Hoofstraat, Gansbaai vanaf 07:45-13:00 en 13:45-16:30 (Maandag tot Vrydag), en enige navrae kan gerig word aan mnr S van der Merwe by Posbus 26, Gansbaai 7220, of by telnr (028) 384 8300 of faksnr (028) 384 0241. E-pos: svdmerwe@overstrand.gov.za.

Die aansoek lê ook ter insae by die kantoor van die Direkteur: Geïntegreerde Omgewingsbestuur: Streek B1, Provinsiale Regering van die Wes-Kaap, by Kamer 601, Utilitas Gebou, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 3009 en die Direktoraat se faksnommer is (021) 483 3098. Enige besware, met volledige redes daarvoor, moet skriftelik wees en by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur: Streek B1, Privaatsak X9086, Kaapsted 8000, met 'n afskrif aan die bogenoemde Areabestuurder, ingedien word op of voor Maandag 16 Februarie 2009 met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentare/besware wat na die voorgemelde sluitingsdatum ontvang word, sal nie in ag geneem word nie.

Voorts word hiermee ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) kennis gegee dat persone wat nie kan skryf nie, die Stadsbeplanningsafdeling van die Munisipaliteit Overstrand (Gansbaai Administrasie) kan nader tydens normale kantoorure waar me A Calitz daardie persone sal help om hul kommentaar of besware op skrif te stel.

Aansoeker: Daledna CC

Aard van aansoek

1. Aansoek om opheffing van beperkende titelvoorwaardes van toepassing op Erf 621, Ingangstraat 61, De Kelders ten einde die eienaars in staat te stel om 'n gastehuis vanaf die eiendom te bedryf.
2. Aansoek om vergunningsgebruik ingevolge die bepalings van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) ten einde die eienaars van bogenoemde eiendom in staat te stel om 'n 3 slaapkamergastehuis vanaf die eiendom te bedryf.
3. Aansoek om afwyking ingevolge die bepalings van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) ten einde die eienaars van bogenoemde eiendom in staat te stel om 'n addisionele 2 kamers vir gasteakkommodasie aan te wend. (In terme van die Gansbaai Sonering-skemaregulasies mag slegs 3 kamers van 'n enkelresidensiële woning, as 'n vergunningsgebruik, vir gastehuisdoeleindes aangewend word.)

W Zybrands, Munisipale Bestuurder, p/a Posbus 26, Gansbaai, 7220

OVERSTRAND MUNICIPALITY
(Hangklip-Kleinmond Administration)

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given in terms of section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the Municipal offices, 37 Fifth Avenue, Kleinmond, during office hours (Enquiries: A Cairns, telephone (028) 271 8400, fax (028) 271 4100, e-mail acairns@overstrand.gov.za), and at the office of the Director, Integrated Environmental Management: Region B1, Provincial Government of the Western Cape, Room 601, Utilitas Building, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday), (Enquiries: Telephone (021) 483 3638, Fax (021) 483 3098). Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director, Integrated Environmental Management: Region B1, Private Bag X9086, Cape Town, 8000, with a copy to the above-mentioned local authority (Private Bag X3, Kleinmond, 7195), before or on 23 February 2009, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

Applicant: S Schutte (on behalf of H Claasen)

Nature of application: Removal of restrictive title conditions applicable to Erf 3882, Fifth Avenue, Kleinmond, to contravene the street building line restriction.

W Zybrands, Municipal Manager, Notice no 035-2008

TENDERS

N.B. Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

NOTICES BY LOCAL AUTHORITIES

BEAUFORT-WEST MUNICIPALITY

Notice no. 2/2009

PROPOSED REZONING: ERF 825:1 DE VILLIERS STREET,
BEAUFORT WEST

Notice is hereby given in terms of Section 17 of Ordinance no. 15/1985 that the Local Council has received an application from the owner of erf 825, 1 De Villiers Street, Beaufort West for the rezoning of the aforementioned property from Residential Zone I to Institutional Zone I in order to conduct a crèche and hostel from the said erf.

Full details regarding the abovementioned application are available for inspection at the Office of the Director: Corporative Services, 112 Donkin Street, Beaufort West from Mondays to Fridays between 07:30 till 13:00 and 13:45 till 16:15.

Objections, if any, against the proposed rezoning use must be lodged in writing with the undersigned on or before FRIDAY 13 FEBRUARY 2009 stating full reasons for such objections.

J. Booyen, Municipal Manager, Municipal Offices, 112 Donkin Street, Beaufort-West 6970

[12/3/2 & 12/4/4/2] 16 January 2009

33452

CEDERBERG MUNICIPALITY

CLOSURE OF PUBLIC PLACE ERF 205, GRAAFWATER

Notice is hereby given in terms of the provisions of Section 137(1) of the Municipal Ordinance No 20 of 1974 that public place erf 205, Graafwater has been closed.

16 Januarie 2009

33454

OVERSTRAND MUNISIPALITEIT
(Hangklip-Kleinmond Administrasie)

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kennis geskied hiermee ingevolge artikel 3(6) van bogenoemde Wet dat die onderstaande aansoek ontvang is en ter insae lê by die Kleinmond Munisipale kantore, Vyfdelaan 37, Kleinmond, gedurende kantoorure (navrae: A Cairns, telefoon (028) 271 8400, faks (028) 271 4100, e-pos acairns@overstrand.gov.za), en by die kantoor van die Direkteur, Geïntegreerde Omgewingsbestuur: Streek B1, Provinsiale Regering van die Wes-Kaap, Kamer 601, Utilitasgebou, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag), (Navrae: Telefoon (021) 483 3638 en faks (021) 483 3098). Enige besware, met volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Geïntegreerde Omgewingsbestuur: Streek B1, Privaatsak X9086 Kaapstad, 8000, met 'n afskrif aan die bogenoemde plaaslike owerheid (Privaatsak X3, Kleinmond 7195), voor of op 23 Februarie 2009 ingedien word, met vermelding van bogenoemde Wet en die beswaarmaker se erfnummer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

Aansoeker: S Schutte (namens H Claasen)

Aard van aansoek: Opheffing van beperkende titelvoorwaardes van toepassing op Erf 3882, Vyfdelaan, Kleinmond, om die straatboulyn beperking te oorskry.

W Zybrands, Munisipale Bestuurder, Kennisgewing nr 035-2008

TENDERS

L.W. Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE

BEAUFORT-WES MUNISIPALITEIT

Kennisgewing nr. 2/2009

VOORGESTELDE HERSONERING: ERF 825: DE
VILLIERSSTRAAT 1, BEAUFORT-WES

Kennis geskied hiermee ingevolge Artikel 17 van Ordonnansie 15 van 1985 dat die Plaaslike Raad 'n aansoek ontvang het van die eienaar van erf 825, geleë te De Villiersstraat 1, Beaufort-Wes vir die hersonering van voormelde eiendom vanaf Residensiële Sone I na Institusionele Sone I ten einde 'n kleuterskool en koshuis op die erf te bedryf.

Volledige besonderhede met betrekking tot die bogemelde aansoek lê ter insae by die Kantoor van die Direkteur: Korporatiewe Dienste, Donkinstraat 112, Beaufort-Wes vanaf Maandae tot Vrydae vanaf 07:30 tot 13:00 en 13:45 tot 16:15.

Besware, indien enige, teen die voorgestelde hersonering moet skriftelik en met vermelding van volledige redes vir sodanige besware by die ondergetekende ingedien word voor of op VRYDAG 13 FEBRUARIE 2009.

J. Booyen, Munisipale Bestuurder, Munisipale Kantore, Donkinstraat 112, Beaufort-Wes 6970

[12/3/2 & 12/4/4/2] 16 Januarie 2009

33452

CEDERBERG MUNISIPALITEIT

SLUITING VAN OPENBARE PLEK ERF 205, GRAAFWATER

Kennis geskied hiermee kragtens die bepalinge van Artikel 137(1) van die Munisipale Ordonnansie Nr. 20 van 1974 dat openbare plek 205, Graafwater gesluit is.

16 January 2009

33454

BEAUFORT-WEST MUNICIPALITY

Notice no. 3/2009

PROPOSED DEPARTURE OF TOWN PLANNING SCHEME: RELAXATION OF STREET BUILDING LINE: ERF 5386: HESTER GIRD CRESCENT, BEAUFORT WEST

Notice is hereby given in terms of Section 15 of Ordinance no. 15/1985 that the Local Council has received an application from the owner of erf 5386, being Hester Gird Crescent, Beaufort West for the relaxation of the street building line on the aforementioned property, to 0 metre, in order to build a swimming pool.

Full details regarding the abovementioned application are available for inspection at the Office of the Director: Corporative Services, 112 Donkin Street, Beaufort West from Mondays to Fridays between 07:30 to 13:00 and 13:45 to 16:15.

Objections, if any, against the proposed relaxation, must be lodged in writing with the undersigned on or before FRIDAY 13 FEBRUARY 2009 stating full reasons for such objections.

J. Booysen, Municipal Manager, Municipal Offices, 112 Donkin Street, Beaufort-West 6970

[12/4/6/3/2] 16 January 2009

33453

CAPE TOWN REGION

CLOSING OF PORTION OF PUBLIC STREET ADJOINING ERVEN 94401 AND 171618 CAPE TOWN AT GARDENS (L7/4/682) (SKETCH PLAN No. STC 463/3)

City Land PORTION of ERF 96026 CAPE TOWN AT GARDENS lettered ABCD on Sketch Plan STC 463/3 is hereby closed in terms of Section 6 of Council Bylaw LA 12783 promulgated 28th February 2003. (S/6910/31 V1 P183)

Civic Centre, Cape Town, CAPE TOWN REGION

16 January 2009

33455

MOSEL BAY MUNICIPALITY

ORDINANCE ON LAND USE PLANNING, 1985 (ORD. 15 OF 1985)

LOCAL GOVERNMENT ACT: MUNICIPAL SYSTEMS, 2000 (ACT 32 OF 2000)

ERF 13162 MOSSEL BAY: PROPOSED DEPARTURE OF THE STREET BUILDING LINE

It is hereby notified in terms of Section 15 above Ordinance that the undermentioned application has been received by the Municipal Manager and is open to inspection at the Section: Town Planning, 401 floor, Montagu Place Building, Montagu Street, Mossel Bay. Any objections, with full reason therefor, should be lodged in writing to the Municipal Manager, p.Q, Box 25, Mossel Bay, 6500 on or before MONDAY, 09 FEBRUARY 2009 quoting the above Ordinance and objector's erf number. Any comments received after the aforementioned closing date may be disregarded. Any enquiries in this regard may be directed to Mr. G Scholtz, Town Planning Department, on the telephone number (044) 606 5074 and fax number (044) 690 5786.

In terms of Section 21(4) of the Local Government Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write can approach any one of the five Customer Care Managers of Council at Mossel Bay, D'Almeida, Kwanonqaba, Hartenbos and Great Brak River respectively who will assist you in putting your comments or objections in writing.

Applicant: Formaplan, Townplanners, PO Box 2792, Mossel Bay 6500

Nature of Application: Proposed departure of the Mossel Bay Scheme Regulations applicable to Erf 13162, 113 Marsh Street, Mossel Bay to allow for the relaxation of the street building line from 4.5m to 3.2m for the erection of a double garage.

File Reference: 15/4/1/4/1 Acting Municipal Manager
16 January 2009

33458

BEAUFORT-WES MUNISIPALITEIT

Kennisgewing nr. 3/2009

VOORGESTELDE AFWYKING VAN DORPSAANLEGSKEMA: VERSLAPPING VAN STRAATBOULYN: ERF 5386: HESTER GIRDSINGEL: HOOYVLAKTE: BEAUFORT-WES

Kennisgewing geskied hiermee ingevolge Artikel 15 van Ordonnansie 15 van 1985 dat die Plaaslike Raad in aansoek van die eienaar van erf 5386, synde Hester Girdsingel, Beaufort-Wes ontvang het vir die verslapping van die straatboulyn op die voormelde eiendom na 0meter ten einde 'n swembad te bou.

Volledige besonderhede met betrekking tot die bogemelde aansoek lê ter insae by die Kantoor van die Direkteur: Korporatiewe Dienste, Donkinstraat 112, Beaufort-Wes vanaf Maandae tot Vrydae tussen 07:30 tot 13:00 en 13:45 tot 16:15.

Besware, indien enige, teen die voorgestelde afwyking, moet skriftelik en met vermelding van volledige redes vir sodanige besware, by die ondergetekende ingedien word voor of op VRYDAG 13 FEBRUARIE 2009.

J. Booysen, Munisipale Bestuurder, Munisipale Kantore, Donkinstraat 112, Beaufort-Wes 6970

16 Januarie 2009

33453

KAAPSTADSTREEK

SLUITING VAN GEDEELTE VAN PUBLIEK STRAAT AANGRENSEND ERWE 94401 EN 171618 KAAPSTAD TE GARDENS (L7/4/682) (SKETSPLAN No. STC 463/3)

Stadsgrond gedeelte van Erf 96026 KAAPSTAD TE GARDENS wat met die letters ABCD op Sketsplan STC 463/3 aangetoon word, word hiermee ingevolge Artikel 6 van Ordonnansie LA 12783 geproklameer 28ste Februarie 2003 gesluit. (S/6910/31 V1 P183)

Burgersentrum, Kaapstad, KAAPSTADSTREEK

16 Januarie 2009

33455

MOSELBAAI MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORD. 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS, 2000 (WET 32 VAN 2000)

ERF 13162 MOSSELBAAI: VOORGESTELDE AFWYKING VAN DIE STRAATBOULYN

Kragtens Artikel 15 van die bostaande Ordonnansie word hiermee kennis gegee dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en ter insae lê by die Afdeling: Stadsbeplanning, 4de vloer, Montagu Plek Gebou, Montagustraat, Mosselbaai. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 25, Mosselbaai, 6500 ingedien word op of voor MAANDAG, 09 FEBRUARIE 2009, met vermelding van bogenoemde Ordonnansie en Beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie. Enige navrae kan gerig word aan Mnr. G Scholtz, Stadsbeplanning by telefoonnommer (044) 606 5074 of faksnommer (044) 690 5786.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige van die vyf Klantediens bestuurders van die raad te Mosselbaai, D'Almeida, Kwanonqaba, Hartenbos en Groot-Brakrivier onderskeidelik kan nader vir hulpverlening om u kommentaar of besware op skrif te stel.

Aansoeker: Formaplan, Stadsbeplanners, Posbus 2792, Mosselbaai 6500

Aard van aansoek: Voorgestelde afwyking van die Mosselbaai Skemaregulasies van toepassing op Erf 13162, Marshstraat 113, Mosselbaai ten einde die straatboulyn te verslap vanaf 4.5m na 3.2m vir die oprigting van 'n dubbelmotorhuis.

Lêer Verwysing: 15/4/1/4/1. Wnde. Munisipale Bestuurder
16 Januarie 2009

33458

CITY OF CAPE TOWN (SOUTH PENINSULA REGION)

AMENDMENT TO AN APPROVED APPLICATION FOR THE ESTABLISHMENT OF A LESS FORMAL TOWNSHIP

- Erf 830 Pelican Park

Notice is hereby given in terms Section 11(2) of the Less Formal Townships Establishment Act that the undermentioned application has been received and is open to inspection at the office of the District Manager at cnr. Aden Avenue & George Street, Athlone. Enquiries may be directed to Mark Florus at PO Box 283, Athlone, 7760; Mark.florus@capetown.gov.za: tel (021) 684-4328 and fax (021) 684-4410 week-days during the hours of 08:30 to 14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager on or before 17 February 2009, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Messrs BKS (Pty) Ltd

Application No: 171194

Address: 14th Avenue Pelican Park

Nature of application:

Amendment of the approval from:—

- Establishment of a Less Formal Township in terms of Section 14(1)(a) of the Less Formal Townships Establishment Act of 1991 (Act 113 of 1991) for a development comprising 371 Informal Residential erven, 1 Public Open Space, 3 open area sites, 2 substation sites, one Community Facilities (Creche) portion, and remainder road on Erf 830 Pelican Park

to

- Establishment of a Less Formal Township in terms of Section 14(1)(a) of the Less Formal Townships Establishment Act of 1991 (Act 113 of 1991) for a development comprising 490 Informal residential erven, 1 public open space, 3 open area sites, 2 substation sites, one Community Facilities (Creche) portion, and remainder road on Erf 830 Pelican Park.

Achmat Ebrahim, City Manager. 16 January 2009

33456

SWELLENDAM MUNICIPALITY

APPLICATION FOR REZONING AND DEPARTURE: ERF 1624, (SWELLENGREBEL STREET), SWELLENDAM.

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985) that Council has received an application from Bekker and Houterman Land Surveyors on behalf of S A Cottages Development Trust for the rezoning of Erf 1624, Swellendam from "single residential purposes" to "general residential" as well as for a departure from certain land use restrictions.

Further particulars regarding the proposal are available for inspection at the Municipal office, Swellendam during office hours. Objections to the proposal, if any, must reach the undermentioned on or before 16 February 2009. Persons who are unable to read and write will be assisted during office hours, at the Municipal office, Swellendam, to write down their objections.

W. F. Hendricks, MUNICIPAL MANAGER, Municipal Office, SWELLENDAM

Notice no: 5/2009 16 January 2009

33462

STAD KAAPSTAD (SUID-SKIEREILAND-STREEK)

WYSIGING VAN 'N GOEDGEKEURDE AANSOEK OM DIE STIGTING VAN 'N MINDER FORMELE DORPSGEBIED

- Erf 830 Pelican Park

Kennisgewing geskied hiermee ingevolge artikel 11(2) van die Wet op die Stigting van Minder Formele Dorpsgebiede dat onderstaande aansoek ontvang is en ter insae beskikbaar is by die kantoor van die distriksbestuurder, h/v Adenlaan en Georgestraat, Athlone. Navrae kan gerig word aan Mark Florus, Posbus 283, Athlone 7760, Mark.florus@capetown.gov.za, tel (021) 684 4328 en faksno. (021) 684 4410, weekdae gedurende 08:30 tot 14:30. Enige besware, met volledige redes daarvoor, kan voor of op 17 Februarie 2009 skriftelik aan die kantoor van bogenoemde distriksbestuurder gerig word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnummers en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan dalk ongeldig geag word.

Aansoeker: mnre. BKS (Edms.) Bpk.

Aansoekno.: 171194

Adres: 14e Laan, Pelican Park

Aard van aansoek:

Die wysiging van die goedkeuring van

- die stigting van 'n minder formele dorpsgebied ingevolge artikel 14(1)(a) van die Wet op die Stigting van Minder Formele Dorpsgebiede, Wet 113 van 1991, vir 'n ontwikkeling bestaande uit 371 informele residensiële erwe, 1 openbare oop ruimte, 3 oopgebiedpersele, 2 substasiepersele, 1 gemeenskapsfasiliteitegedeelte (crèche), en 'n restantpad op on Erf 830, Pelican Park,

na

- die stigting van 'n minder formele dorpsgebied ingevolge artikel 14(1)(a) van die Wet op die Stigting van Minder Formele Dorpsgebiede, Wet 113 van 1991, vir 'n ontwikkeling bestaande uit 490 informele residensiële erwe, 1 openbare oop ruimte, 3 oopgebiedpersele, 2 substasiepersele, 1 gemeenskapsfasiliteitegedeelte (crèche), en 'n restantpad op on Erf 830, Pelican Park.

Achmat Ebrahim, Stadbestuurder. 16 Januarie 2009

33456

SWELLENDAM MUNISIPALITEIT

AANSOEK OM HERSONERING EN AFWYKING: ERF 1624, (SWELLENGREBELSTRAAT), SWELLENDAM

Kennis geskied hiermee in terme van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985) dat die Raad 'n aansoek ontvang het van Bekker en Houterman, Landmeters namens S A Cottages Development Trust vir die hersonering van Erf 1624, Swellendam vanaf "enkel woondoeleindes" na "algemene woondoeleindes" asook vir afwyking van sekere grondgebruikbeperkings.

Verdere besonderhede van die voorstel lê gedurende kantoorure by die Swellendam Munisipale kantoor, ter insae. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op 16 Februarie 2009. Persone wat nie kan lees en skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Swellendam gehelp word om hul besware neer te skryf.

W. F. Hendricks, MUNISIPALE BESTUURDER, Munisipale Kantoor, SWELLENDAM

Kennisgewing nr: 5/2009 16 Januarie 2009

33462

MOSEL BAY MUNICIPALITY

ORDINANCE ON LAND USE PLANNING, 1985
(ORD. 15 OF 1985)

LOCAL GOVERNMENT ACT: MUNICIPAL SYSTEMS, 2000 (ACT
32 OF 2000)

PROPOSED DEPARTURE ON THE REMAINDER OF PORTION 32
OF THE FARM LEEUWELKLOOF NO. 53, DISTRICT
MOSEL BAY

It is hereby notified in terms of Section 15 of the above Ordinance that the undermentioned application has been received by the Municipal Manager and is open to inspection at the Section: Town Planning, 4th floor, Montagu Place Building, Montagu Street, Mossel Bay. Any objections, with full reason therefore, should be lodged in writing to the Municipal Manager, PO Box 25, Mossel Bay, 6500 on or before MONDAY, 09 FEBRUARY 2009, quoting the above Ordinance and objector's erf number. Any comments received after the aforementioned closing date may be disregarded. Any enquiries in this regard may be directed to Mr G. Scholtz, Town Planning Department, on the telephone number (044) 6065074 and fax number (044) 690 5786.

In terms of Section 21(4) of the Local Government Municipal Systems, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write can approach any one of the five Customer Care Managers of Council at Mossel Bay, D'Almeida, Kwanonqaba, Hartenbos and Great Brak River respectively who will assist you in putting your comments or objections in writing.

Applicant: Ninscor Thirty Four CC, 5 Powrie Street, Mossel Bay 6506

Nature of Application: Proposed departure on the Remainder of Portion 62 of the Farm Leeuwelkloof no. 53, District Mossel Bay, 97,3100ha in extent and zoned as "Agricultural Zone I" to enable the owners to operate a guesthouse from the property. The property is situated on Main Road 33/2 between Mossel Bay and Oudtshoorn, northwest of Little Brak River.

File Reference: Leeuwelkloof 53/62. Acting Municipal Manager
16 January 2009 33459

MOSELBAAI MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985
(ORD. 15 VAN 1985)

WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS,
2000 (WET 32 VAN 2000)

VOORGESTELDE AFWYKINGSGEBRUIK OP DIE RESTANT
VAN GEDEELTE 62 VAN DIE PLAAS LEEUWELKLOOF NR. 53,
DISTRIK MOSELBAAI

Kragtens Artikel 15 van die bostaande Ordonnansie word hiermee kennis gegee dat die onderstaande aansoek deur Munisipale Bestuurder ontvang is en ter insae lê by die Afdeling: Stadsbeplanning, 4de vloer, Montagu Plek Gebou, Montagustraat, Mosselbaai. Enige bssware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 25, Mosselbaai, 6500 ingedien word op of voor MAANDAG, 09 FEBRUARIE 2009 met vermelding van bogenoemde Ordonnansie en Beswaarmaker se erfnummer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie. Enige navrae kan gerig word aan Mnr G. Scholtz, Stadsbeplanning by telefoonnummer (044) 606 5074 of faksnummer (044) 690 5786.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis gegee dat persone wat nie kan skryf nie enige van die vyf Klantediens bestuurders van die raad te Mosselbaai, D'Almeida, Kwanonqaba, Hartenbos en Groot-Brakrivier onderskeidelik kan nader vir hulpverlening om u kommentaar of besware op skrif te stel.

Aansoeker: Ninscor Thirty Four BK, Powriestraat 5, Mosselbaai 6506

Aard van aansoek: Voorgestelde afwyking op die Restant van Gedeelte 62 van die Plaas Leeuwelkloof nr. 53, Distrik Mosselbaai, groot 97,3100ha en gesoneer as "Landbou Sone I" ten einde die eienaars in staat te stel om 'n gastehuis vanaf die eiendom te bedryf. Die eiendom is geleë op Grootpad 33/2 tussen Mosselbaai en Oudtshoorn, noordwes vanaf Klein-Brakrivier.

Lêer Verwysing: Leeuwelkloof 53/62. Wnde. Munisipale
Bestuurder 16 Januarie 2009 33459

STELLENBOSCH MUNICIPALITY

PUBLIC NOTICE CALLING FOR INSPECTION OF THE PROPERTY VALUATION ROLL AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), hereinafter referred to as the "Act", that the property valuation roll for the financial years 1 July 2009 to 30 June 2013 is open for public inspection at the municipal head office and its satellite offices or at website www.stellenbosch.gov.za from 19 January 2009 to 23 February 2009.

In terms of section 49(1)(a)(ii) of the Act any person may lodge an objection with the municipal manager in respect of any matter reflected in, or omitted from, the property valuation roll within the period 19 January 2008 to 23 February 2008.

Attention is specifically drawn to the fact that an objection must be in relation to a specific individual property and not against the property valuation roll as such. The prescribed form for the lodging of an objection is obtainable at the municipal offices at the following addresses:

Stellenbosch Municipal Offices: Plein Street, Stellenbosch

Franschhoek Municipal Offices: Hugenate Road, Franschhoek

Pniel Municipal Offices: Main Road, Pniel

The objection form is also available on the website www.stellenbosch.gov.za

For enquiries please contact Mrs M Blaauw at telephone 021-808 8662 or send an e-mail to marindab@stellenbosch.org

Ian Bruce Roland Kenned, Municipal Manager, PO Box X17, Stellenbosch 7599

File No: 6/3/1

Property Valuations Notice No. 1/2009 16 January 2009

33460

HESSEQUA MUNICIPALITY

PROPOSED REZONING AND DEPARTURE ON PORTION OF EXISTING BUILDING ON ERF 586 (STILBAAI LOFTS) MAIN ROAD EAST, STILBAAI EAST

Notice is hereby given in terms of the provisions of Sections 15(l)(a)(ii) & 17(1) of Ordinance 15 of 1985 that the Hessequa Council has received the following application on the abovementioned property:

Property: Portion of Existing Building on Erf 586 Stilbaai East

Proposal:

1. Rezoning of a portion of ground floor on the existing building on Erf 586 Stilbaai East (Stilbaai Lofts) as well as first floor from Business Zone I to Residential IV in order to establish 5 flats on ground floor of existing building.
2. Departure of Stilbaai Scheme Regulations Residential Zone IV as follows:
 - 2.1 Relaxation of side boundary (west) from 4.5m to 0m
 - 2.2 Relaxation of street building line (north) from 8m to 0.57m and 2.567m respectively only applicable on flat portion
 - 2.3 To exceed the coverage from 30% to 30.44%
 - 2.4 To increase the density of 30 units per ha applicable on Residential IV to 36 units/ha on ground floor
3. A Portion of ground floor (207m²) will remain Business Zone I.

Applicant: WF Botha Attorneys (on behalf of Die Solder Eiendomme BK & Triple Advanced Investments (Pty) Ltd

Details concerning the application are available at the office of the undersigned as well as Municipal Offices during office hours. Any objections to the proposed application should be submitted in writing to reach the office of the undersigned not later than 6 February 2009.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

Municipal Manager, Hessequa Municipality, PO Box 29, Riversdal 6670 16 January 2009 33457

SWELLENDAM MUNICIPALITY

APPLICATION FOR CONSENT USE: ERF 1264, (MILNER STREET) BARRYDALE

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985) that Council has received an application from Mr A P Campbell for a consent use in order to erect a second dwelling on erf 1264, Barrydale.

Further particulars regarding the proposal are available for inspection at the Municipal office, Swellendam during office hours. Objections to the proposal, if any, must reach the undermentioned on or before 16 February 2009. Persons who are unable to read and write will be assisted during office hours, at the Municipal office, Swellendam, to write down their objections.

W. F. Hendricks, MUNICIPAL MANAGER, Municipal Office, SWELLENDAM

Notice no: 4/2009 16 Januarie 2009

33463

HESSEQUA MUNISIPALITEIT

VOORGESTELDE HERSONERING & AFWYKING OP GEDEELTE VAN BESTAANDE GEBOU OP ERF 586 (STILBAAI LOFTS) HOOFWEG OOS, STILBAAI OOS

Kennis geskied hiermee ingevolge die bepalings van Artikels 15(1)(a)(ii) & 17(1) van Ordonnansie 15 van 1985 dat die Hessequa Raad, die volgende aansoek op bogenoemde eiendom ontvang het:

Eiendomsbeskrywing: Gedeelte van bestaande gebou op Erf 586 Stilbaai Oos

Aansoek:

1. Hersonerings van 'n gedeelte van bestaande gebou se grondvloer op Erf 586 Stilbaai Oos (Stilbaai Lofts) sowel as die eerste vloer vanaf Sake I na Residensieel IV ten einde 5 woonstelle op die grondvloer van die bestaande gebou te vestig.
2. Afwyking van Stilbaai Skemaregulasies se Residensieel Sone IV sonering as volg:
 - 2.1 Verslapping van die kantboulyn (wes) vanaf 4.5m na 0m
 - 2.2 Verslapping van die straatboulyn (noord) vanaf 8m na 0.57m en 2.567m onderskeidelik (slegs van toepassing op woonstelgedeelte)
 - 2.3 Dekking te oorskry vanaf 30% na 30.44%
 - 2.4 Digtheid van 30 eenhede per ha van toepassing op Residensieel IV te verhoog na 36 eenhede/ha op grondvloer
3. 'n Gedeelte op grondvloer van 207m² sal steeds as Sake I sonering behoue bly.

Applikant: WF Botha Prokureurs (nms Die Solder Eiendomme BK & Triple Advanced Investments (Edms) Bpk

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende asook die Munisipale Kantore gedurende kantoorure. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as 6 Februarie 2009.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantoorure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

Munisipale Bestuurder, Hessequa Munisipaliteit, Posbus 29, Riversdal 6670 16 Januarie 2009 33457

SWELLENDAM MUNISIPALITEIT

AANSOEK OM VERGUNNINGSGEBRUIK, ERF 1264 (MILNERSTRAAT), BARRYDALE

Kennis geskied hiermee in terme van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985) dat die Raad 'n aansoek ontvang het van Mnr A P Campbell vir 'n vergunningsgebruik ten einde 'n tweede wooneenheid op Erf 1264, Barrydale op te rig.

Verdere besonderhede van die voorstel lê gedurende kantoorure by die Swellendam Munisipale kantoor, ter insae. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op 16 Februarie 2009. Persone wat nie kan lees en skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Swellendam gehelp word om hul besware neer te skryf.

W. F. Hendricks, MUNISIPALE BESTUURDER, Munisipale Kantoor, SWELLENDAM

Kennisgewingnr: 4/2009 16 Januarie 2009

33463

STELLENBOSCH MUNICIPALITY

AMENDMENT OF THE KLAPMUTS STRUCTURE PLAN,
APPROVAL OF THE DEVELOPMENT
FRAMEWORK PLAN, REZONING, SUBDIVISION &
DEPARTURES PORTION 3 OF FARM NO 742 AND REMAINDER
FARM NO 742, PAARL DIVISION

Notice is hereby given in terms of Sections 4, 17, 24 and 15 of the Land Use Planning Ordinance, 1985 (No 15 of 1985), and Regulation 4.7 of the Scheme Regulations promulgated by PN 1048/1988 that the undermentioned application has been received and is open to inspection at the office of the Director; Planning & Environment at the Planning Advice Centre, Plein Street, Stellenbosch (Tel 021 808 8606). Enquiries may be directed to Mr O Peters, P O Box 17, Stellenbosch, 7599, Tel. 021 808 8645 and fax number 021 808 8651 week days during the hours of 08:00 to 16:00. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before 16 February 2009 quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Anton Lotz Town & Regional Planning

Erf/Erven number(s): Portion 3 of Farm No 742 and Remainder of Farm No 742, Paarl Division

Locality/Address: West of the Klapmuts Village at the foot of Klapmutskop

Nature of application:

1. The amendment of the Klapmuts Structure Plan.
2. The approval of the Development Framework Plan for the proposed development
3. The rezoning of Portion 3 of the Farm 742 & Remainder of Farm 742, Paarl from Agricultural Zone I to Subdivisional Area to accommodate the zonings of:

Residential Zone I, Residential Zone III, Residential Zone IV, Open Space Zone II and Transport Zone II in order to permit the development of 1577 residential units together with associated services and facilities.

4. The subdivision of Phase A of the Estate into 186 portions.
5. The departure from the zoning scheme regulations to allow for various land use parameters.

MUNICIPAL MANAGER

(Notice No. 02/09: 15/14-Farm 8) 16 January 2009 33461

GENERAL NOTICE

WESTERN CAPE PROVINCIAL
DEPARTMENT OF HEALTH

Notice in terms of sub-regulation 6(1)(a) and 6(2) of Provincial Notice 187 of 2001.

The Western Cape Provincial Minister responsible for Health hereby publishes notification of receipt of the following applications for the establishment of private health establishments in the Western Cape Province. Copies of the applications may be obtained at a nominal fee from the Directorate of Professional Support Services, Provincial Department of Health, PO Box 2060, Cape Town; 8000, Ph: (021) 483-2603/5811.

Kindly note that all interested parties are invited to submit written comment on any of the applications mentioned below to the Western Cape Health Department within 30 days of the publication of this notice. All comments must be sent to: Comments to be submitted within the following time frames:

- Acute general, non-acute and psychiatric private health establishments within 30 days of the publication of this notice.
- Community mental health facilities within 14 days of the publication of this notice.

All comments must be addressed to: The Head, Department of Health, P.O. Box 2060, Cape Town 8000

For attention: Ms Gaynore Vermeulen

STELLENBOSCH MUNISIPALITEIT

WYSIGING VAN DIE KLAPMUTS STRUKTUURPLAN,
GOEDKEURING VAN DIE ONTWIKKELINGSRAAMWERK
PLAN, HERSONERING, ONDERVERDELING, AFWYKINGS,
GEDEELTE 3 VAN PLAAS NR 742 EN RESTANT PLAAS NR 742
AFDELING PAARL

Kennis geskied hiermee ingevolge Artikels 4, 17, 24 en 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), en Regulasie 4.7 van die Skemaregulasies afgekondig by PK 1048/1988, dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Omgewing by die Advieskantoor (Tel. Nr. 021-808 8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Mnr. O Peters by Posbus 17, Stellenbosch, 7599, Tel. nr. 021 808 8645 en Faks nr. 021 808 8651 weksdae gedurende 08:00 tot 16:00 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor 16 Februarie 2009 ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word.

Applikant: Anton Lotz Stads- en Streekbeplanning

Erf/Erwe nommer(s): Gedeelte 3 van Plaas Nr 742 en Restant Plaas Nr 742, Afdeling Paarl

Ligging/Adres: Wes van Klapmuts Dorp aan die voet van Klapmutskop

Aard van aansoek:

1. Die wysiging van die Klapmuts Struktuurplan
2. Die goedkeuring van die Ontwikkelingsraamwerk plan vir die voorgestelde ontwikkeling.
3. Die aansoek vir die hersonering van Gedeelte 3 van die Plaas Nr. 742 & Restant van die Plaas 742, Paarl vanaf Landbousone I na Onderverdelingsgebied om die volgende sonerings te akkommodeer:

Residensiële Sone I, Residensiële Sone III, Residensiële Sone IV, Oopruimte Sone II en Vervoersone II om die ontwikkeling van 1577 residensiële eenhede saam met geassosieerde dienste en fasiliteite toe te laat.

4. Die onderverdeling van Fase A van die "Estate" in 186 gedeeltes.
5. Die afwyking van die Soneringskemaregulasies om verskillende grondgebruikparameters toe te laat.

MUNISIPALE BESTUURDER

(Kennisgewing Nr 02/09: 15/14-Farm 8) 16 Januarie 2009 33461

ALGEMENE KENNISGEWING

WES-KAAPSE PROVINSIALE
DEPARTEMENT VAN GESONDHEID

Kennisgewing ingevolge subregulasie 6(1)(a) en 6(2) van regulasie 187 van 2001

Die Wes-Kaapse Provinsiale Minister verantwoordelik vir Gesondheid gee hiermee kennis van die volgende aansoeke wat ontvang is vir die oprigting van private gesondheidsinrigtings in die Wes-Kaap. Afskrifte van die aansoeke kan teen 'n nominale bedrag bekom word van die Hoofdirektoraat Professionele Ondersteuningsdienste, Provinsiale Departement van Gesondheid, Posbus 2060, Kaapstad, 8000, tel. (021) 483-2603/5811.

Let asseblief daarop dat alle belangstellendes uitgenooi word om na die publikasie van hierdie Kennisgewing skriftelike kommentaar oor enige van die aansoeke voor te lê aan die Wes-Kaapse Departement van Gesondheid. Alle kommentaar moet gestuur word aan: Kommentaar moet binne die volgende tydperke ingedien word:

- Algemene akute, nie-akute en psigiatrisse private gesondheids instellings binne 30 dae vanaf die uitreiking van hierdie publikasie.
- Gemeenskapsgesondheidsgeriewe binne 14 dae vanaf die uitreiking van hierdie publikasie.

Alle kommentaar moet geadresseer word aan: Die Hoof, Departement van Gesondheid, Posbus 2060, Kaapstad 8000

Vir aandag: Me Gaynor Vermeulen

PRIVATE HEALTH ESTABLISHMENT	NAME AND ADDRESS OF	LOCATION	TOTAL NUMBER OF BEDS/THEATRES	TYPE OF FACILITY
Houtbay Private Hospital	Mr G Pretorius Houtbay Private Hospital Luthuli Pegasus (Pty) Ltd P.O. Box 101115 MEERENSEE 3901 Ph: 032 946-2693 Fax: 086 696-4793	Houtbay Harbour	Application for the registration of a new facility with 135 beds (which includes 30 adult medical beds, 30 adult surgical beds, 10 (ten) obstetrics, 10 (ten) adult ICU, 10 pediatric ICU, 5 (five) adult high care, 5 (five) pediatric, 15 day beds), as well as, 1 minor theatre, 4 (four) major theatres, 4 (four) first stage rooms, 4 (four) delivery rooms, 1 (one) emergency unit, 1 (one) resuscitation room, 1 (one) procedure room and 20 step-down beds.	Acute
Belvidere Park Retirement Village	Mr R Clay Private Bag X016 KNYSNA 6570 Ph: 044 387-1036 Fax: 044 387-1071	Knysna	Application for the extension of an existing facility with 2 (two) beds for step-down and sub-acute care.	Non-Acute
Santa Margaretha Sub-Acute Care Facility	Mr CF Calitz Santa Margaretha Sub-Acute Care Facility P.O. Box 414 PAROW 7500 Ph: 021 948-9510 Fax: 021 948-9520	Graanendal, Durbanville	Application for the registration of a new sub-acute facility with 16 beds for Step-down and sub-acute care.	Non-Acute
Drs Schnetler, Corbett and Partners	Ms L Greef Drs Schnetler, Corbett and Partners P.O. Box 15094 BRACKENFELL 7506 Ph: 021 930-5564 Fax: 021 930-4464	Brackenfell	Application for the transfer of existing services from 40 Jeanette Street, Brackenfell to 15 Roslyn Street Brackenfell.	Radio-diagnostic Unit
Rondebosch Medical Centre	Dr N A Moosa Rondebosch Medical Centre P.O. Box 368 BERGVLIJET 7864 Ph: 021 797-2986 Fax: 021 797-2990	Rondebosch	Application for the extension of an existing facility with 218 beds (which includes 46 adult medical beds, 48 adult surgical beds, 14 obstetrics, 8 (eight) adult ICU beds, 3 (three) pediatric ICU beds, 2 (two) neonatal ICU beds, 4 (four) adult high care beds, 1 (one) adult ICU bed, 22 pediatric isolation beds, 40 psychiatric beds, 30 oncology beds), as well as 1 (one) emergency unit, 1 (two) procedure rooms, conversion of the existing 4 (four) minor theatres to 4 (four) major theatres, as well as 4 (four) additional major theatres	Acute
Woodside Special Care Centre	Ms CB Levendal 29 Lawson Road Rondebosch East CAPE TOWN 7780 Tel: 021 696-2811 Fax: 021 697-1596	Rondebosch East	Application for the registration of an existing facility with eighty-five (85) beds (which include fifty-four (54) adult and thirty-one (31) adolescent beds) for mental health care.	Community Mental Health Care Facility

16 January 2009

33464

WESTERN CAPE GAMBLING AND RACING BOARD

OFFICIAL NOTICE RECEIPT OF APPLICATIONS FOR SITE LICENCES

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996), as amended, the Western Cape Gambling and Racing Board ("the Board") hereby gives notice that applications for site licences, as listed below, have been received. A site licence will authorise the licence holder to place a maximum of five limited payout machines in approved sites outside of casinos for play by the public.

DETAILS OF APPLICANTS

- Name of business:* Clanwilliam Self-catering Apartments (Pty) Ltd, 2007/007222/07, t/a Clanwilliam Hotel

At the following site: 22 Main Road, Clanwilliam 8130

Erf number: Erf 1124, Clanwilliam

Persons having a financial interest of 5% or more in the business:
Andre Thirion (100%)

PRIVATE GESONDHEIDS- INRIGTING	NAAM EN ADRES VAN EIENAAR	STAND-PLAAS	TOTALE GETAL BEDDENS/TEATERS	TIPPE INRIGTING
Houtbaai Privaat Hospitaal	Mnr G Pretorius Houtbaai Privaat Hospitaal Luthuli Pegasus (Pty) Ltd Posbus 101115 MEERENSEE 3901 Tel: 032 946-2693 Faks: 086 696-4793	Houtbaai	Aansoek om die registrasie van 'n nuwe fasiliteit met 135 beddens (wat insluit 30 volwasse mediese beddens, 30 volwasse sjirurgiese beddens, 10 obstetrisiese beddens, 10 volwasse intensiewe sorg, 10 pediatriese intensiewe sorg, 5 (vyf) volwasse hoësoorg, 5 (vyf) pediatriese, 15 dag beddens, sowel as 1 (een) klein teater, 4 (vier) groot teaters, 4 (vier) eerste stadium kamers, 4 (vier) bevallingskamers, 1 (een) nood eenheid, 1 (een) resussiteringskamer, 1 (een) prosedurekamer en 20 oorgangsoorg beddens.	Akute
Belvidere Park Aftree oord	Mnr R Clay Privaatsak X016 KNYSNA 6570 Tel: 044 387-1036 Faks: 044 387-1071	Knysna	Aansoek om uitbreiding van 'n bestaande fasiliteit met 2 (twee) oorgangsoorg en sub-akute beddens.	Nie-Akute
Santa Margaretha Nie-Akute Sorg Fasiliteit	Mnr CF Calitz Santa Margaretha Nie-Akute Sorg Fasiliteit Posbus 414 PAROW 7500 Tel: 021 948-9510 Faks: 021 948-9520	Graanendal, Durbanville	Aansoek om registrasie van 'n nuwe nie-akute fasiliteit met 16 beddens vir oorgangsoorg en sub-akute sorg.	Nie-Akute
Drs Schnetler, Corbett & Vennote	Me L Greef Drs Schnetler, Corbett & Vennote Posbus 15094 BRACKENFELL 7506 Tel: 021 930-5564 Faks: 021 930-4464	Bellville	Aansoek om oordrag van bestaande dienste vanaf Jeanette Straat, 40, Brackenfell na Roslyn Straat, 15, Brackenfell.	Radio-Diagnostiese Eenheid
Rondebosch Mediese Sentrum	Dr N A Moosa Rondebosch Mediese Sentrum Posbus 368 BERGVLIJET 7864 Tel: 021 797-2986 Faks: 021 797-2990	Rondebosch	Aansoek om uitbreiding van bestaande fasiliteit met 218 beddens (wat insluit 46 volwasse mediese beddens, 48 volwasse sjirurgiese beddens, 14 obstetrisiese beddens, 8 volwasse intensiewe sorg, 3 pediatriese intensiewe sorg beddens, 2 (twee) neonatale intensiewe sorg, 4 (vier) volwasse hoësoorg, 1 (een) volwasse intensiewe sorg, 22 pediatriese isolasiebeddens, 40 psigiatriese, 30 onkologie beddens eenhede, sowel as omskakeling van 4 (vier) klein teaters na 4 (vier) groot teaters sowel as, addisionele 4 (vier) groot teaters.	Akute
Woodside Spesiale Sorg Sentrum	Mev CB Levendal Lawsonstraat 29 Rondebosch-Oos KAAPSTAD 7780 Tel: 021 696-2811 Faks: 021 697-1596	Rondebosch- Oos	Aansoek om registrasie van 'n bestaande fasiliteit met 85 beddens (54 volwasse en 31 adolessente beddens) vir geestesgesondheids-sorg.	Gemeenskaps geestes- gesondheid sorg fasiliteit

16 Januarie 2009

33464

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

AMPTELIKE KENNISGEWING
ONTVANGS VAN AANSOEKE VIR PERSEELLISENSIES

Kragtens die bepalings van artikel 32(2) van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996), soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne ("die Raad") hiermee kennis dat aansoeke om perseellisensies, soos onder aangedui, ontvang is. 'n Perseellisensie sal die lisensiehouer magtig om 'n maksimum van vyf beperkte uitbetalingmasjiene in goedgekeurde persele buite die casino's te plaas om deur die publiek gespeel te word.

BESONDERHEDE VAN AANSOEKERS

- Naam van besigheid:* Clanwilliam Self-catering Apartments (Edms) Bpk, 2007/007222/07, h/a Clanwilliam Hotel

By die volgende perseel: Hoofweg 22, Clanwilliam 8130

Erfnommer: Erf 1124, Clanwilliam

Persone met 'n finansiële belang van 5% of meer in die besigheid: Andre Thirion (100%)

- | | |
|--|---|
| <p>2. <i>Name of business:</i> Tamasa Trading 290 CC, CK 2001/010063/23, t/a Tryst Dance Club & Cocktail Lounge</p> <p><i>At the following site:</i> Lower Queen Street, Waterfront Park, Knysna 6571</p> <p><i>Erf number:</i> Erf 8714, Knysna</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Chante Georgiou (100%)</p> | <p>2. <i>Naam van besigheid:</i> Tamasa Trading 290 BK, CK 2001/010063/23, h/a Tryst Dance Club & Cocktail Lounge</p> <p><i>By die volgende perseel:</i> Laer Queenstraat, Waterfront Park, Knysna 6571</p> <p><i>Erfnommer:</i> Erf 8714, Knysna</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Chante Georgiou (100%)</p> |
| <p>3. <i>Name of business:</i> Gold Circle (Pty) Ltd, 1998/024366/07, t/a Gold Circle—Morgenster</p> <p><i>At the following site:</i> Shop 10, Morgenster Centre, cnr. Morgenster & Anna Marie Drives, Mitchells Plain 7785</p> <p><i>Erf number:</i> Erf 40611, Mitchells Plain</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Gold Circle (Pty) Ltd (100%)</p> | <p>3. <i>Naam van besigheid:</i> Gold Circle (Edms) Bpk, 1998/024366/07, h/a Gold Circle—Morgenster</p> <p><i>By die volgende perseel:</i> Winkel 10, Morgenster Sentrum, h.v. Morgenster- & Anna Marierylaan, Mitchells Plain 7785</p> <p><i>Erfnommer:</i> Erf 40611, Mitchells Plain</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Gold Circle (Edms) Bpk (100%)</p> |
| <p>4. <i>Name of business:</i> Superdome Family Entertainment Centre CC, CK 92/14733/23 t/a Frendo's Pub</p> <p><i>At the following site:</i> 51 Jan van Riebeeck Road, Paarl 7646</p> <p><i>Erf number:</i> Erf 6672, Paarl</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Louis Roelof van der Merwe (100%)</p> | <p>4. <i>Naam van besigheid:</i> Superdome Family Entertainment Centre BK, CK 92/14733/23, h/a Frendo's Pub</p> <p><i>By die volgende perseel:</i> Jan van Riebeeckweg 51, Paarl 7646</p> <p><i>Erfnommer:</i> Erf 6672, Paarl</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Louis Roelof van der Merwe (100%)</p> |
| <p>5. <i>Name of business:</i> Town Square Somerset West Trust, 174555/2005, t/a Town Square</p> <p><i>At the following site:</i> 132 Main Road, Somerset West 7130</p> <p><i>Erf number:</i> Erf 12333, Somerset West</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Josef Wendelin Krapf (100%)</p> | <p>5. <i>Naam van besigheid:</i> Town Square Somerset West Trust, 174555/2005, h/a Town Square</p> <p><i>By die volgende perseel:</i> Hoofweg 132, Somerset-Wes 7130</p> <p><i>Erfnommer:</i> Erf 12333, Somerset-Wes</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Josef Wendelin Krapf (100%)</p> |
| <p>6. <i>Name of business:</i> Stino's Sports Pub CC CK 2008/101134/23 t/a Stino's Sports Pub</p> <p><i>At the following site:</i> 70 Voortrekker Road, Bellville 7530</p> <p><i>Erf number:</i> Erf number 11157, Bellville</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Sebastien Vyabandi (100%)</p> | <p>6. <i>Naam van besigheid:</i> Stino's Sports Pub BK CK 2008/101134/23 h/a Stino's Sports Pub</p> <p><i>By die volgende perseel:</i> Voortrekkerweg 70, Bellville 7530</p> <p><i>Erfnommer:</i> Erf 11157, Bellville</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Sebastien Vyabandi (100%)</p> |
| <p>7. <i>Name of business:</i> Caravelle Sports and Kareoke Bar CC, CK 1996/040766/23, t/a Caravelle Sports Bar</p> <p><i>At the following site:</i> 2 Lancaster Road, Rocklands, Mitchells Plain 7785</p> <p><i>Erf number:</i> Erf 11555, Mitchells Plain</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Andre Pablo Jacobs (50%), Sandra Nicolette Jacobs (50%)</p> | <p>7. <i>Naam van besigheid:</i> Caravelle Sports and Kareoke Bar BK, CK 1996/040766/23, h/a Caravelle Sports Bar</p> <p><i>By die volgende perseel:</i> Lancasterweg 2, Rocklands, Mitchells Plain 7785</p> <p><i>Erfnommer:</i> Erf 11555, Mitchells Plain</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Andre Pablo Jacobs (50%), Sandra Nicolette Jacobs (50%)</p> |
| <p>8. <i>Name of business:</i> Aso Rock CC, CK 2008/206969/23, t/a Aso Rock Restaurant & Pub</p> <p><i>At the following site:</i> 10 Marine Circle, Table View 7441</p> <p><i>Erf number:</i> Erf 4285, Table View</p> <p><i>Persons having a financial interest of 5% or more in the business:</i> Emmanuel Chidube Chukwuka (50%), Onyemaechi Onyido Ike (50%)</p> | <p>8. <i>Naam van besigheid:</i> Aso Rock BK, CK 2008/206969/23, h/a Aso Rock Restaurant & Pub</p> <p><i>By die volgende perseel:</i> Marine Circle 10, Table View 7441</p> <p><i>Erfnommer:</i> Erf 4285, Table View</p> <p><i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Emmanuel Chidube Chukwuka (50%), Onyemaechi Onyido Ike (50%)</p> |

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| <p>9. <i>Name of business:</i> Noel Etienne Andre Detailleur (Sole Proprietorship), t/a Club Galaxy
<i>At the following site:</i> 3579 Leisure Coast Road, Plettenberg Bay 6600
<i>Erf number:</i> Erf 3579, Plettenberg Bay
<i>Persons having a financial interest of 5% or more in the business:</i> Noel Etienne Andre Detailleur</p> <p>10. <i>Name of business:</i> Serita Wilfreda Wildeskut (Sole Proprietorship), t/a Izilanti
<i>At the following site:</i> 66 Blyth Street, Beaufort West 6970
<i>Erf number:</i> Erf 692, Beaufort West
<i>Persons having a financial interest of 5% or more in the business:</i> Serita Wilfreda Wildeskut</p> <p>11. <i>Name of business:</i> Charles Martin Mthembu (Sole Proprietorship) t/a Sivuyile's Inn
<i>At the following site:</i> cnr. Alfa & Nobuhule Streets, Ilingeletu, Malmesbury 7300
<i>Erf number:</i> Erf 6354, Malmesbury
<i>Persons having a financial interest of 5% or more in the business:</i> Charles Martin Mthembu</p> <p>12. <i>Name of business:</i> Cumberland Caterers CC CK 86/18347/23, t/a Cabernet Bar
<i>At the following site:</i> 2 Stockenstroom Street, Worcester 6850
<i>Erf number:</i> Erf 13547, Worcester
<i>Persons having a financial interest of 5% or more in the business:</i> Jose Egidio De Nobrega Vietra Cardoso (100%)</p> <p>13. <i>Name of business:</i> Daniel Fourie (Sole Proprietorship), t/a Locals Pub & Grill
<i>At the following site:</i> Shops 9 & 10, Long Street Mall, 1 End Street, Great Brak River, Mossel Bay 6525
<i>Erf number:</i> Erf 1622, Mossel Bay
<i>Persons having a financial interest of 5% or more in the business:</i> Daniel Fourie</p> <p>14. <i>Name of the business:</i> Fairpark Liquor Store CC, CK 88/31479/23, t/a Kestrel Sports Club
<i>At the following site:</i> Kestrel Way, Grassy Park 7941
<i>Erf number:</i> Erf 10717, Grassy Park
<i>Persons having a financial interest of 5% or more in the business:</i> Keith Henry Carl Brown (100%)</p> <p>15. <i>Name of business:</i> Delores Moses (Sole Proprietorship) t/a Savannah Pub
<i>At the following site:</i> 40 Blue Downs Way, Hillcrest, Blue Downs 7100
<i>Erf number:</i> Erf 3788, Blue Downs
<i>Persons having a financial interest of 5% or more in the business:</i> Delores Moses</p> | <p>9 <i>Naam van besigheid:</i> Noel Etienne Andre Detailleur, (Alleeneienaarskap), h/a Club Galaxy
<i>By die volgende perseel:</i> Leisure Coastweg 3579, Plettenbergbaai 6600
<i>Erfnommer:</i> Erf 3579, Plettenbergbaai
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Noel Etienne Andre Detailleur</p> <p>10 <i>Naam van besigheid:</i> Serita Wilfreda Wildeskut (Alleeneienaarskap), h/a Izilanti
<i>By die volgende perseel:</i> Blythstraat 66, Beaufort-Wes 6970
<i>Erfnommer:</i> Erf 692, Beaufort-Wes
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Serita Wilfreda Wildeskut</p> <p>11 <i>Naam van besigheid:</i> Charles Martin Mthembu (Alleeneienaarskap), h/a Sivuyile's Inn
<i>By die volgende perseel:</i> h.v. Alfa- & Nobuhulestraat, Ilingeletu, Malmesbury 7300
<i>Erfnommer:</i> Erf 6354, Malmesbury
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Charles Martin Mthembu</p> <p>12 <i>Naam van besigheid:</i> Cumberland Caterers BK CK 86/18347/23 h/a Cabernet Bar
<i>By die volgende perseel:</i> Stockenstroomstraat 2, Worcester 6850
<i>Erf 13547, Worcester</i>
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Jose Egidio De Nobrega Vietra Cardoso (100%)</p> <p>13 <i>Naam van besigheid:</i> Daniel Fourie (Alleeneienaarskap) h/a Locals Pub & Grill
<i>By die volgende perseel:</i> Winkel 9 & 10, Long Street Mall, Endstraat 1, Groot-Brakrivier, Mosselbaai 6525
<i>Erfnommer:</i> Erf 1622, Mosselbaai
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Daniel Fourie</p> <p>14 <i>Naam van besigheid:</i> Fairpark Liquor Store BK, CK 88/31479/23, h/a Kestrel Sports Club
<i>By die volgende perseel:</i> Kestrelweg, Grassy Park 7941
<i>Erfnommer:</i> Erf 10717, Grassy Park
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Keith Henry Carl Brown (100%)</p> <p>15 <i>Naam van besigheid:</i> Delores Moses (Alleeneienaarskap) h/a Savannah Pub
<i>By die volgende perseel:</i> Blue Downsweg 40, Hillcrest, Blue Downs 7100
<i>Erfnommer:</i> Erf 3788, Blue Downs
<i>Persone met 'n finansiële belang van 5% of meer in die besigheid:</i> Delores Moses</p> |
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WRITTEN COMMENTS AND OBJECTIONS

Residents of this province who wish to lodge objections or to furnish comment on any application, may do so in writing. In the case of written objections to an application, the grounds on which such objections are founded, must be furnished. Where comment in respect of an application is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than 16:00 on Friday 13 February 2009.

SKRIFTELIKE KOMMENTAAR EN BESWARE

Inwoners van hierdie provinsie wat belangstel om besware aan te teken teen of kommentaar te lewer op enige aansoek, mag dit skriftelik doen. In die geval van skriftelike besware teen 'n aansoek, moet die redes waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar betreffende die aansoek verstrekkend word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, verskaf word. Die naam, adres en telefoonnommer van die persoon wat beswaar maak of kommentaar lewer, moet ook verskaf word. Kommentaar of besware moet die Raad op die laaste teen 16:00 op Vrydag 13 Februarie 2009 bereik.

Notice is hereby given that, in terms of Regulation 24(2) of the National Gambling Regulations, the Board will schedule a public hearing in respect of an application only if, on or before 16:00 on Friday 13 February 2009, a written objection to such application relating to:

- (a) the probity or suitability for licensing of any of the persons to be involved in the operation of the relevant business, or
- (b) the suitability of the proposed site for the conduct of gambling operations

has been received. If a public hearing is scheduled, the date of such hearing will be advertised in this publication approximately 14 days prior to the date thereof.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, PO Box 8175, Roggebaai 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer at one of the aforementioned addresses on fax number +27 (0)21 422 2603.

16 January 2009

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Kennis geskied hiermee dat die Raad, ingevolge regulasie 24(2) van die Nasionale Dobberegulasies, 'n openbare verhoor ten opsigte van 'n aansoek sal skeduleer slegs indien 'n skriftelike beswaar teen 'n aansoek voor of om 16:00 op Vrydag 13 Februarie 2009 ontvang is. Sodanige beswaar moet betrekking hê op:

- (a) die onkreukbaarheid of geskiktheid van enige van die persone, wat betrokke sal wees by die bedryf van die relevante onderneming, vir lisensiering, of
- (b) die geskiktheid van die voorgestelde perseel vir die bedryf van dobbelaktiwiteite.

Indien 'n openbare verhoor geskeduleer word, sal die datum van sodanige verhoor ongeveer 14 dae vóór die verhoordatum in hierdie publikasie geadverteer word.

Besware of kommentaar moet gestuur word aan die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof-Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad of gefaks word aan die Hoof-Uitvoerende Beampte by een van die voorafgenoemde adresse by faksnommer +27 (0)21 422 2603.

16 Januarie 2009

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CITY OF CAPE TOWN

2010 FIFA WORLD CUP SOUTH AFRICA BY-LAW

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PREAMBLE

WHEREAS:

Section 156(1) of the Constitution confers on the City power to make by-laws for the effective administration on matters which it has the right to administer;

The City of Cape Town, as a host City for the 2010 FIFA World Cup wishes to adopt a by-law for the efficient running of the Competition in Cape Town;

NOW THEREFORE, BE IT ENACTED by the City of Cape Town, as follows:—

CHAPTER 1—PRELIMINARY PROVISIONS

Definitions

1. In this By-law the following terms shall bear the following meanings, unless the context otherwise indicates -

“**accreditation**” means accreditation in terms of the Accreditation Systems and Procedure Annex;

“**Accreditation Systems and Procedure Annex**” means the accreditation systems and procedures of FIFA, that will be applicable to the Competition;

“**Advertisement**” means a visual representation including but not limited to a sign, illustration, object, mark, symbol or device of any kind which is in a public place or which is visible to the public from in a public place or which is visible to the public from any public place including but not limited to, any street or any public place or any other vantage point or which is under or over-hanging from any bridge, building or other structure, including sky writing, used for Advertising activity or any combination of such elements with the object of transferring information;

“**advertising**” means the act or process of notifying, warning, informing, displaying, making known or any other act of transferring information in a visual or oral manner;

“**advertising structure**” means any physical structure erected or positioned so as to display a sign or billboard, or to which a sign or billboard is attached;

“ambush marketing” means marketing, promotional, advertising or public relations activity in words, sound or any other form, directly or indirectly relating to the Competition, and which claims or implies an association with the Competition or capitalises or is intended to capitalise on an association with, or gains or is intended to gain a promotional benefit from it to the prejudice of any sponsor of, the Competition, but which is undertaken by a person which has not been granted the right to promote an association with the Competition by FIFA and whose aforesaid activity has not been authorised by FIFA Competition;

“air pollution” means, as defined by the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);

“approval” means approval by the City including by an authorised official, and **“approve”** has a corresponding meaning;

“authorised official” means a person authorised to implement the provisions of this By-law, including but not limited to—

- (a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) members of the South African Police Services or Metropolitan Police Officers as contemplated in the South African Police Services Act, 1995 (Act No. 8 of 1995);
- (c) such employees, agents, delegated nominees, representatives or service providers of the City as are specifically authorised by the City in this regard;

“billboard” means any screen, board or sign supported by a freestanding structure which may be handwritten, hand drawn or hand painted, paper-posted, sign-written, pasted with vinyl or covered, pasted or written upon by a combination of such methods and which may feature special effects, which displays an advertisement;

“branded licensee” means any person, not being a FIFA partner, FIFA World Cup sponsor or national supporter, to which FIFA grants the right to place any of the competition marks on products and related product packaging and product advertising materials which also bear the corporate identification or trademark of such person;

“broadcast rights” means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof, or any part thereof, in any form and in all media now known or hereafter and the right to exploit the same;

“broadcast rights holders” shall mean a person, that has acquired from FIFA, directly or indirectly, any part of the broadcast rights;

“City” means the City of Cape Town established in terms of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);

“City Manager” means a person appointed as City Manager in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“clear height” means the minimum vertical distance from the ground, road or surface level, whatever the case may be, to the underside of a sign;

“commercial affiliate” means any FIFA partner, FIFA World Cup sponsor, national supporter and branded licensee;

“Competition” means the 2010 FIFA World Cup South Africa TM which is scheduled to be contested from 11 June to 11 July in the year 2010 in the Republic of South Africa, under the governance of FIFA, including all matches and official events;

“Competition marks” means—

- (a) the official emblem;
- (b) any official Competition mascot;
- (c) any official Competition poster;
- (d) any official Competition ‘look’ designs;
- (e) two or three dimensional representations of the FIFA World Cup trophy; and
- (f) any Competition-related designations including trade marks and marks as defined in the Trade Marks Act, 1993 (Act No.194 of 1993);

“Controlled Access Site” means—

- (a) the locations of the matches including without limitation, the stadium;
- (b) the locations of the official events;
- (c) any other areas in respect of which admission is regulated by accreditation;
- (d) accreditation centres;
- (e) official training sites;
- (f) team hotels;
- (g) the official hotels for the FIFA delegation;
- (h) FIFA fan parks; and
- (i) any other area within the area of jurisdiction of the City, designated or demarcated by the City by notice in the press as a Controlled Access Site and shall include private property located therein;

“demarcated space” means a portion of a road or the road reserve which has been identified and demarcated as a place where a vehicle may be lawfully parked;

“Exclusion Zone” means the controlled zone situated immediately outside the outer perimeter of the stadium, as designated or demarcated by the City, including private property located therein;

“FIFA” means Fédération Internationale De Football Association;

“FIFA Delegation” means with respect to the Competition, the following persons—

- (a) FIFA staff and the staff of all FIFA subsidiary companies;
- (b) members of FIFA’s internal official committees;

(c) guests of FIFA; and

(d) all other individuals who are nominated by FIFA as being a member of the FIFA delegation;

“FIFA fan park” means a fan park to be established by the City under the auspices and guidance of FIFA;

“FIFA Member Association” means any national football association officially affiliated to FIFA;

“FIFA partner” means a person to which FIFA grants the most comprehensive package of available marketing rights;

“FIFA World Cup sponsor” means a person to which FIFA grants the second most comprehensive package of available marketing rights;

“final draw” means the official draw ceremony for the Competition, by means of which the Participating Member Associations are allocated to Competition groups;

“goods” means any items or stock displayed or kept by a street trader for the purpose of selling;

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

“litter” includes any receptacle, container or other matter, which has been discarded or abandoned or left behind;

“LOC” means the 2010 World Cup Organising Committee, an association incorporated under Section 21 of the Companies Act, 1973 (Act No. 61 of 1973) (Registration No. 2005/029945/08);

“marketing rights” means all advertising, promotional, marketing, merchandising, licensing, franchising, sponsorship, hospitality, publishing, and any other rights or associated commercial opportunities other than the media rights related to or in connection with the Competition;

“match” means each and every football match in its entirety, including extra time and penalty kick phases, of the Competition, including training matches and any delayed or deferred matches and replays;

“media” means all members of the written press, photographers and electronic media entitled to media accreditation;

“media rights” means the right to broadcast, transmit, display, film and photograph the Competition, as well as all recordings thereof, or any part thereof, in any form and in all media now known or hereafter and the right to exploit such rights;

“Metropolitan Police Service” means the metropolitan police service as contemplated in the South African Police Services Act, 1995 (Act No.8 of 1995);

“national supporter” means a person to which FIFA grants a package of specified marketing rights, such rights to be exercisable only in the Republic of South Africa;

“notice in the press” means a notice published in the three official languages in newspapers circulating within the City;

“nuisance” means—

- (a) any stream, pool, marsh, ditch, gutter, watercourse, cistern, watercloset, earthcloset, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (b) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (c) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (d) any public building which is so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (e) any occupied dwelling for which no proper and sufficient supply of pure water is available within a reasonable distance;
- (f) any factory or industrial or business premises not kept in a cleanly state and free from offensive smells arising from any drain, water closet, earth closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gases, vapours, dust or other impurities generated, or so overcrowded or so badly lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon;
- (g) any factory or industrial or business premises causing or giving rise to smells or effluvia which are offensive or which are injurious or dangerous to health;
- (h) any area of land kept or permitted to remain in such a state as to be offensive;
- (i) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the provisions of the Health Act, 1977 (Act No. 63 of 1977);
- (j) any act or condition which interferes with—
 - (i) the health or well-being of a person or the general public;
 - (ii) the use and enjoyment by an owner or occupier of his or her property;
 - (iii) the use and enjoyment by a member of the public of a public place;

“official emblem” means any official logo or official device of the Competition;

“official events” means any organisational, social, cultural and other official functions, ceremonies and draws staged, hosted or organised by the LOC or FIFA in connection with the Competition;

“official training site” means a venue within the jurisdiction of the City selected to host any Competition-related training sessions for a team, including the surrounding and adjacent areas, parking facilities, media areas, concourses, fencing and entrances, under the control of the City;

“owner” in relation to a sign includes the owner of immovable property or a person who owns or leases the advertising structure applicable to a sign, or will own or lease such advertising structure once it has been erected, and any person who has a right to share in the ownership or lease of such advertising structure;

“Participating Member Association” means any FIFA Member Association whose representative Team has qualified to participate in the Competition;

“**person**” means a legal person which includes a natural person, partnership, firm, corporation, corporation trust, unincorporated association, joint venture, company and close corporation;

“**premises**” means an erf, stand, land, lot, plot, agricultural holding, farm portion or similar land entity, or any building or improvements thereon, registered in a deeds registry;

“**prohibited area**” in relation to street trading, means a place declared in terms of section 6A(2) of the Businesses Act, 1991 (Act No. 71 of 1991) to be an area in which street trading is prohibited;

“**property**” means in relation to a person carrying on the business of street trading any article, receptacle, vehicle or structure used or intended to be used in connection with such business;

“**public advertising media**” means such advertising media space including, without limitation, light and electricity posts, and advertising space on public buildings as is owned, leased, administered by or under the direct control of the City;

“**public place**” means—

- (a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;
- (c) any nature conservation area including—
 - (i) nature reserves;
 - (ii) protected natural areas;
 - (iii) nature conservation worthy areas;
 - (iv) natural open spaces;

“**public road**” means a square, public street, avenue, road, sidewalk, an island located within a street, avenue or road, subway, avenue, bridge, walkway, public passageway and any thoroughfare shown on the general plan of a township or in respect of which the public has acquired a prescriptive or other right of way and which is more fully described in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**recreation**” or “**recreational**” means any leisure activity;

“**restricted area**” in relation to street trading, means any area declared in terms section 6A(2) of the Businesses Act, 1991(Act No. 71 of 1991) to be an area in which street trading is restricted;

“**SAFA**” means South African Football Association;

“**safety and security plan**” means the safety and security plans to be implemented by the City during the Competition;

“**services**” includes any advantage or gain for consideration or reward;

“**Sign**” means—

- (a) any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations, and includes but is not limited to a non-physical sign projected onto a building or other structure or in the air with the aid of modern technology (e.g. laser beams), which device, article or non-physical sign is visible or distributed in any way whatsoever from a public place, or any place whatsoever, for the purpose of advertising, providing information, ambush marketing or attracting the public to any place, public display, article or merchandise for sale, and whether the surface of the sign is attached to or forms part of a building, or is fixed to the ground or to a pole, tree, screen or hoarding, Person, vehicle or other movable object; or
- (b) any method of displaying writing, letters, numbers, figures, objects, Competition Marks, photographs, symbols or illustrations which is displayed or distributed in any other way including but not limited to security signs, projecting signs, trailer signs, boundary wall signs, tourism signs, window signs, signs on buildings, sky signs, roof signs, flat signs, signs painted on walls and roofs of buildings, aerial signs, development signs, service facility signs, signs for sponsored road traffic projects, building wrap signs, construction site signs, tower and bridge signs, on-Premises business signs, signs at residential properties or community signs, forecourt signs, balcony, veranda, canopy and under-awning signs, functional signs by public bodies, real estate agent signs, electronic signs, signs for sale of goods or livestock, signs pulled or attached to or created by vehicles, hand held signs, banners, hand held signs, signs attached or incorporated into clothing, headgear, costumes, flags, spectator cheering articles or banners, and for the avoidance of doubt including any Billboard, but excluding City road traffic signs and City street name signs;

“**special event**” means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or any other similar event of a sporting, cultural or recreational nature which requires, for that purpose, exclusive use of the whole or a part of a public place;

“**stadium**” means any stadium within the geographical area of jurisdiction of the City that will be used for purposes of the Competition, including the entire premises thereof inside the perimeter fence, the aerial space above such stadium premises, all parking facilities, hospitality areas, media zones, concession areas and commercial display areas;

“**street furniture**” means any furniture installed by, or on behalf of the City on a public place;

“**street trader**” means a person selling goods and includes a seller, peddler or hawker and also—

- (a) a person who as principal, agent, assistant, subcontractor, employer or employee carries on the business of street trading or on behalf of whom or for whose benefit the business of street trading is carried on; and
- (b) a person to whom a stand has been leased or allocated by the City and for as long as such person is carrying on the business of street trading on it;

“**street trading**” means the selling of any goods in a public place;

“**team**” means any team which represents a Participating Member Association and which has qualified to participate in the Competition. References to “**team**” shall include all squad members and coaches as stipulated in the 2010 Regulations as well as medical personnel and other auxiliary staff;

“**team hotel**” means a hotel and any other location providing accommodation within the area of jurisdiction of the City, for a team;

“**term**” means the period as specified in the Schedule;

“**ticket**” means the evidential item representing that the ticket holder has the right to enter a stadium to attend a particular match or official event of the Competition and to obtain a particular seat allocated to the ticket for that purpose in accordance with the ticket terms and conditions and all applicable laws, and “**ticketing**” shall have a corresponding meaning;

“**ticket holder**” means a person who has the right in terms of a ticket to attend a particular match or official event and to obtain a particular seat allocated to the ticket for that purpose;

“**traffic-free zone**” means as defined in section 1 of the 2010 FIFA World Cup South Africa: Special Measures Act, 2006 (Act No. 11 of 2006);

“**verge**” means a verge as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); and

“**waste**” means refuse and includes but not limited to any substance or article which a person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoil and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled.

Application of the By-Law

2.(1) For the purpose of this By-law a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under, as at the date of promulgation of this By-law and as amended or re-enacted from time to time.

(2) To the extent that conflicts may arise between the existing by-laws of the City and this By-law, the provisions of this By-law shall prevail.

Purpose of the By-Law

3. The purpose of this By-law is to enable the City, during the term, to—

- (a) regulate advertising;
- (b) administer Controlled Access Sites;
- (c) regulate special events and the administer, manage and maintain neatness of public open spaces;
- (d) adopt appropriate traffic guidance, management and control measures, including the provision of public road users with all necessary information, such as, including but not limited to, information about actual and anticipated road closures, detours, parking areas, traffic-free zones, and where possible, directions and suitable routes to and from stadiums and official events to ensure the orderly and safe flow of traffic; and
- (e) regulate street trading.

CHAPTER 2—PRINCIPAL PROVISIONS: ADVERTISING

Application and approval

4. For the purposes of this Chapter approval shall mean approval in terms the City of Cape Town: Outdoor Advertising and Signage By-law published in Provincial Gazette Extra-Ordinary 5801 dated 5 December 2001 or any subsequent by-law replacing that By-law.

Ambush marketing and unlawful advertising

5.(1) A member of the Metropolitan Police Service may enforce the provisions of the Merchandise Marks Act, 1941 (Act No.17 of 1941), in so far as it relates to the powers of an inspector to combat ambush marketing—

- (a) during the final draw and for a period of one week immediately prior to and one week immediately following the final draw;
- (b) during the period of the Competition and for a period of two weeks immediately prior to the first match and two weeks immediately following the final match;
- (c) in the following areas—
 - (i) at any Controlled Access Site, or
 - (ii) within a one kilometre radius of the venue of the final draw, or of a stadium or as demarcated by the City Manager;
 - (iii) within a 100 meter radius of a FIFA fan park or as demarcated by the City Manager; and
 - (iv) at any place visible from a public road, as designated by the City Manager by means of appropriate signage, leading to the venue of the final draw or to a stadium, and within two kilometres from the perimeter of the final draw venue or stadium, as the case may be or as demarcated by the City Manager.

(2) Notwithstanding paragraphs (a), (b) and (c) of subsection (1), nothing contained in this By-law shall derogate from the powers granted to a member of the Metropolitan Police Service under the Merchandise Marks Act, 1941 (Act No. 17 of 1941).

(3) No person shall, except with the prior approval of the City Manager, and to the extent applicable and within the area of jurisdiction of the City, conduct any advertising activity on any public advertising media—

- (a) during the final draw and for a period of two weeks immediately prior to the final draw;
- (b) during the period of the Competition and for a period of 15 working days immediately prior to the first match and 5 working days immediately following the final match;
- (c) in the following areas—
 - (i) immediately outside or surrounding airports;
 - (ii) in or immediately outside or surrounding main train stations;
 - (iii) within a radius of the central business district of the area of jurisdiction of the City demarcated by the City Manager in consultation with FIFA; and
 - (iv) to the extent the City has jurisdiction, on the principal routes from the airport and main train stations to the central business district of the area of jurisdiction of the City and to the stadium.

(4) No person shall, during the term erect, maintain, distribute or display a sign or a billboard at a Controlled Access Site or within an Exclusion Zone, without the prior written approval of the City Manager granted specifically with regard to the Competition.

Safety

6. No person shall erect, maintain, distribute or display a sign, a billboard or an advertising structure in a Controlled Access Site or an Exclusion Zone which—

- (a) constitutes a danger to any person or property;
- (b) is so placed or contains an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions;
- (c) is illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers;
- (d) is attached to a road traffic sign or signal;
- (e) combined with a road traffic sign or signal obscures a road traffic sign or signal;
- (f) creates confusion with a road traffic sign or signal;
- (g) interferes with the functioning of a road traffic sign or signal or creates a road safety hazard;
- (h) obscures a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (i) projects over a pedestrian or cycle circulation route, unless the clear height of such sign is approved by the City Manager;
- (j) obstructs a fire escape or fire fighting equipment; or
- (k) is placed closer than the minimum clearance prescribed by the City Manager with regard to overhead power lines.

Design and construction

7.(1) Advertising structures in a Controlled Access Site or an Exclusion Zone shall be designed and constructed according to applicable South African Bureau of Standards ("SABS") approved standards.

(2) Every sign in a Controlled Access Site or an Exclusion Zone in which electricity is used, including electronic and illuminated signs, must -

- (a) have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
- (b) be designed in such a manner that the sign is not a fire risk;
- (c) be provided with an external switch in an accessible position and at a height of at least three metres from the ground by means of which the electricity supply to the sign may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations; and
- (e) be installed and erected by a qualified electrician.

(4) No person shall erect, maintain or display a sign, billboard or an advertising structure in a Controlled Access Site or an Exclusion Zone which interferes or is detrimental with the functioning of the natural environment.

Maintenance

8. All signs in Controlled Access Sites and Exclusion Zones shall be maintained by their owners on proper regular basis, and the owner shall ensure that such signs are kept in a safe, neat and tidy manner.

Removal and impoundment of signs

9.(1) Subject to section 5, the City Manager shall, in relation to any sign, billboard, advertising structure or advertisement erected, positioned, distributed or displayed in a Controlled Access Site, an Exclusion Zone or on any public advertising media in the areas referred to in sections 5(1)(c)(i) and (ii) be entitled to do the following:

- (a) to direct the owner of a sign, billboard, advertising structure or advertisement that wholly or partially projects over or encroaches on any boundary of a premises, whether public or private, by notice to remove the projecting or encroaching part or the whole of the sign immediately, provided that the provisions of this paragraph shall not apply to encroachments and projections approved by the City Manager in terms of the By-law Relating to the Management and Administration of the City of Cape Town's Immovable Property;
- (b) to serve a notice on the responsible person to remove or cease such sign, billboard or advertisement if it is displayed in contravention of the City of Cape Town: Outdoor Advertising and Signage By-law;

(2) In event of failure to comply with a notice to remove a sign, billboard, advertising structure or advertisement, the City may endeavour to obtain a court order for the removal or cessation thereof.

CHAPTER 3—PRINCIPAL PROVISIONS: CONTROLLED ACCESS SITES

Designation of Controlled Access Sites and Exclusion Zones

10.(1) The City Manager may, by notice in the press, designate an area, as a Controlled Access Site.

(2) The City Manager may, by notice in the press, designate an area as an Exclusion Zone.

General prohibition applicable to Controlled Access Sites

11. No person shall—

- (a) smoke, eat, drink or sleep in any Controlled Access Site where these activities are forbidden;
- (b) interfere with any works being carried out, including but not limited to, installation of equipment, plant or infrastructure located within or upon a Controlled Access Site;
- (c) remove any object or part thereof or any fixture, fitting or equipment from a Controlled Access Site;
- (d) bring any animal except guide dogs or animals assisting authorised officials in the execution of their duties into any Controlled Access Site;

- (e) use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner in a Controlled Access Site;
- (f) hamper, disturb, obstruct or harass any person using or entering any Controlled Access Site;
- (g) damage or indirectly cause damage to any part of a Controlled Access Site or its contents or equipment;
- (h) spill or drop any substance that may cause danger or harm to any user of a Controlled Access Site;
- (i) commit any act of vandalism including but not limited to painting, defacing or marking any part of any Controlled Access Site;
- (j) lie, sit, stand, congregate or walk, in a manner that otherwise causes an obstruction of any nature whatsoever, within any Controlled Access Site;
- (k) tout or solicit a driver of a motor vehicle who parks a motor vehicle at a Controlled Access Site for the purpose of or under pretext of looking after or watching over the motor vehicle;
- (l) urinate, excrete or commit an act of public indecency within any Controlled Access Site;
- (m) deposit or leave or cause to be left any object which may endanger or cause harm to or be a nuisance to any user of a Controlled Access Site;
- (n) carry, brandish or otherwise display or use within a Controlled Access Site any weapon, traditional weapon or any other object that may cause harm; or
- (o) throw any object, of any nature whatsoever, within or onto a Controlled Access Site.

Exclusion Zone

12. Subject to section 5, no person shall conduct business activities on a match day in the Exclusion Zone except with the approval of the City Manager granted specifically with regard to the Competition, provided that this prohibition shall not apply to persons who, in respect of their normal business activities, may lawfully conduct a business located on private property at the date of commencement of this By-law.

CHAPTER 4—PRINCIPAL PROVISIONS: PUBLIC PLACE AND CITY BEAUTIFICATION

City beautification for Competition

13.(1) The City Manager will appeal to all persons engaged in major construction during the term which is visible to the public view and close to, major or concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone, to take all necessary measures at their own cost to cover or conceal such construction sites from public view.

(2) The City Manager shall have the right, to request any holder of any existing licence, permit, Approval or other authorisation to undertake any major public or major private construction works at, any concentrated transport centres or entertainment areas which will or may be used for the Competition, Controlled Access Sites and the Exclusion Zone which is in progress at the start of the Competition, to suspend any such construction works for the whole or any part of the term.

(3) No person shall deface any wall, structure or building in a any street or public place or visible from such street or public place by writing, painting, or placing any symbols, pictures or sign thereon, during the Competition.

General Prohibition relating to public places and city beautification

14. No person shall at a special event—

- (a) cause or commit a nuisance;
- (b) use abusive or otherwise objectionable language or behave in an abusive, objectionable or disorderly manner towards any other user;
- (c) hamper, disturb, obstruct or harass any other person;
- (d) damage or indirectly cause damage to any infrastructure, plant, equipment, fixtures, fittings, buildings or structures;
- (e) smoke, eat, drink or sleep where these activities are forbidden;
- (f) spill or drop any substance that may cause danger or harm to persons;
- (g) interfere with any works being performed or the installation of any equipment, plant or infrastructure;
- (h) remove or damage any object or part of any fixture, fitting, equipment, plant or infrastructure;
- (i) commit any act of vandalism including but not limited to painting, defacing or marking any infrastructure, plant, equipment, fixtures, fittings, buildings or structures;
- (j) lie, sit, stand, congregate or walk so as to cause a wilful obstruction, or otherwise cause any obstruction, of any nature whatsoever;
- (k) tout or solicit a driver of a motor vehicle who parks a motor vehicle for the purpose of or under pretext of looking after or watching over the motor vehicle;
- (l) urinate, spit or excrete except in a facility specifically designed for and provided for that purpose or otherwise commit an act of indecency;
- (m) beg or solicit money;
- (n) deposit or leave or cause to be left any object which may endanger or cause harm;
- (o) carry, brandish or otherwise display or use any weapon, traditional weapon or any other object that may cause harm;
- (p) throw any object, of any nature whatsoever;
- (q) enter any area to which access has been restricted or prohibited;
- (r) bathe, wade or swim in or wash himself, an animal or any object, including clothing, in any water or body;
- (s) make, light or otherwise start a fire except in a facility specifically designed for and provided for that purpose;
- (t) camp or reside; and
- (u) perform any action prohibited in terms of any notice or sign erected by the City.

Access Restriction

15. The City Manager may restrict the general access to and use of any public open space in order to—

- (a) protect a public open space;
- (b) reduce vandalism or the destruction of City property at any public open space;
- (c) develop or undertake any activity which it reasonably considers necessary or appropriate to achieve the purposes of this By-law in preparation for the Competition.

Waste

16. No person shall in a public open space—

- (a) deposit, dump, discard or dispose of any waste, other than in a receptacle provided by the City for that purpose; or
- (b) deposit or dispose of any waste or pollute in a manner which may detrimentally impact on any water body.

Vehicles

17. No person shall in a public open space—

- (a) except at times specified and on roads or pathways provided by the City Manager, drive, draw or propel any vehicle other than a bicycle or a vehicular device used by a person with disability;
- (b) drive, draw or propel any vehicle of whatsoever nature in excess of 40 (forty) kilometres per hour; or
- (c) park any vehicle of whatsoever nature, except in designated area or other area where parking is otherwise permitted by the City Manager.

Vegetation and animals

18. No person shall without the express authorisation of the City Manager, within a public open space—

- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
- (b) affix, place, arrange or create any advertisement of whatever nature anywhere within a public open space;
- (c) plant any vegetation;
- (d) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;
- (e) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird or its nest or egg;
- (f) ride a horse, except—
 - (i) in an area designated by the City Manager for that purpose; and
 - (ii) a person who in the performance of his or her official duties, patrols such public open spaces on horseback;
- (g) walk, carry, ride or bring an animal other than a horse or dog provided that the presence of such horse or dog is not prohibited within such public open space;
- (h) walk any dog where—
 - (i) walking a dog in such a public open space is prohibited by the City Manager by notice or sign; or
 - (ii) such dog, while walking within a public open space is not at all times under the control of a person walking such dog.

Use of public open spaces

19.(1) No person shall, within a public open space—

- (a) use the public open space in a way that unfairly restricts or prevents other users of the public open space from enjoying that public open space; or
- (b) except within a public open space or part thereof, which has been let to a person by the City Manager for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;

(2) No person may undertake any event or a special event which will or may be used for the purposes of the Competition unless specifically authorised by the City Manager.

CHAPTER 5—PRINCIPAL PROVISIONS: PUBLIC ROADS AND TRAFFIC GUIDANCE**General prohibition in respect of public roads**

20.(1) No person shall during the Competition—

- (a) erect or cause, or permit to be erected, or place any object including any banner, rope, wire, cord, pole, barbed-wire fence, railing, paling, wall or any other barrier or obstruction of any nature whatsoever upon, under, over or across any public road without the approval of the City Manager, provided that the prohibition shall not apply to the South African Police Services or the Metro Police in execution of their duties;
- (b) use any material or goods that are likely to cause any damage or harm to any part of a public road or to harm any of its users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- (c) spill or drop any substance on or over or across a public road including but not limited to discharging any water, chemical or oil substance, that may in any way endanger or harm any road users including but not limited to pedestrians, cyclists, motorcyclists and motorists;
- (d) interfere with any works being carried out by the City or any authorised service provider or third party on a public road or in relation to any City services including digging holes, trenches, pits or tunnels on or under any public road; or painting, defacing or marking any public road;

- (e) commit any act of vandalism including but not limited to painting, defacing or marking any part of a public road;
- (f) hamper, disturb, obstruct or harass any public road user including but not limited to any pedestrian, cyclist, motorcyclist or motorist using or entering any public road;
- (g) cause any animal to stray or walk onto a public road, excluding guide dogs and animals assisting an authorised official in law enforcement duties;
- (h) tout or solicit a driver of a motor vehicle who parks a motor vehicle in a public road at or near a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle;
- (i) urinate, excrete or behave in a manner that may be considered an act of public indecency on a public road or within any Controlled Access Site;
- (j) beg on a public road.

(2) No person shall during the Competition, except with the approval of the City Manager—

- (a) push or otherwise convey any trolley on a public road within an Exclusion Zone or at a Controlled Access Site;
- (b) deposit or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatsoever nature on any portion of a public road; or
- (c) park or leave any vehicle of any nature whatsoever including but not limited to any car, bus, minivan, truck, bicycle, pedal-cycle, coaster, sled, motor cycle, caravan, trailer, cart, tractor or earth moving equipment, whether or not unattended, on any public road other than in a demarcated space.

General prohibitions in respect of road traffic control

21.(1) No person, other than an authorised official, shall direct any form of traffic by means of any visible or audible signal.

(2) No person may drive or park a vehicle or in a traffic-free zone unless a token authorising the presence of the vehicle in that traffic-free zone has been validly issued and obtained and is visibly displayed on the vehicle.

(3) No person travelling upon any pedal cycle, motor cycle, coaster, sled, roller-skates, or any other similar device may cling to or attach himself or herself or such pedal cycle, coaster, sled, roller-skates or device to any other moving vehicle, upon a public road.

(4) No person shall except with the approval of the City Manager, park or cause to be parked any vehicle of whatsoever nature in a demarcated space without paying, where applicable, the appropriate amount or inserting the appropriate token or card in the applicable parking meter for the required parking period.

General prohibitions in respect of parking

22. The City Manager shall be entitled to restrict public access to demarcated spaces and other parking areas in or around a stadium or other Controlled Access Site on match days or on the occurrence of official events, and in this regard shall be entitled to—

- (a) restrict the right to use certain demarcated spaces and other parking areas inside the stadium and immediately outside the entrances thereof, to the following persons—
 - (i) VIPs;
 - (ii) teams; and
 - (iii) match officials, including referees;
- (b) restrict the right to use certain demarcated spaces and other parking areas inside the stadium as close as possible to the stadium building, and where required for service providers, to the following persons:
 - (i) the FIFA delegation;
 - (ii) members of the LOC delegation;
 - (iii) commercial affiliates;
 - (iv) broadcast rights holders;
 - (v) FIFA guests; and
 - (vi) service providers;
- (c) restrict the right to use certain demarcated spaces and other parking areas inside the stadium to representatives of the media and the media shuttle service.

Instructions by authorised officials

23. An authorised official may, for purposes of implementing or giving effect to the safety and security plan where the circumstances necessitate, and in the interests of ensuring or promoting traffic control or safety on a match day -

- (a) instruct any person to refrain from using a public road; and
- (b) instruct any person to remove his or her vehicle whether parked, stationary or in transit, from a public road.

Road closure action by City Manager

24. The City Manager may, after giving appropriate notices in the press, close temporarily any public road, street or thoroughfare vested in the City for purposes of traffic control, management or guidance or for purposes of implementing or giving effect to the safety and security plan whether or not in the vicinity of any stadium, official event, FIFA fan park, official training site, Exclusion Zone or Controlled Access Site.

CHAPTER 6—PRINCIPAL PROVISIONS: STREET TRADING**Approval for street trading**

25. For the purposes of this Chapter approval shall mean approval in terms of by-laws adopted by the City in terms of the Businesses Act, 1991 (Act No. 71 of 1991), or any legislation or law replacing such by-law or legislation.

Conduct of street traders in general and during the course of trading

26.(1) A street trader shall not, for the term—

- (a) occupy any part of a public place with his or her property or goods, except to the extent approved by the City Manager;
- (b) on conclusion of his or her daily business activities, leave any or all of his or her property and goods in public place;
- (c) place his or her property or goods on a public place except for the purposes of setting up a stand prior to commencing trade or for the purposes of conducting street trading;
- (d) place or stack his or her property and goods in such a manner that they do or may constitute a nuisance or danger to any person or property, or are likely to injure any person or cause damage to property;
- (e) attach any object by any means to any public place, verge, tree, parking meter, lamp-pole, electricity pole, telephone pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public place;
- (f) make a fire in any place or in circumstances where it could cause injury or loss to a person, building, vehicle, or street furniture, unless authorized to prepare foodstuffs by utilizing open-flame fire or gas-fired implements;
- (g) stay overnight at the place of his or her street trading business;
- (h) erect any structure for the purpose of providing shelter at the place of his or her street trading business except to the extent approved by the City Manager;
- (i) interfere with the ability of a person using a verge to view the goods displayed behind a shop display window, or obscure such goods from view;
- (j) carry on business, or take up a position, or place his or her property on a portion of a public place, in contravention of a sign or notice erected or displayed by the City Manager for the purpose of this By-law;
- (k) store his or her property or goods in a manhole, storm water drain or a public toilet, bus or taxi shelter or under a publicly accessible tree;
- (l) carry on street trading in such a manner as to—
 - (i) create a nuisance;
 - (ii) damage or deface the surface of a public place or any public or private property;
- (m) create a traffic obstruction or obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular traffic or pedestrians ignore, disobey or refuse a request by an authorised official to remove his or her property and goods so as to permit the carrying out of any work or service in relation to a public place;
- (n) display his or her goods or property on or in a public place except with the approval of the City Manager; or
- (o) trade in foodstuffs without a valid certificate of acceptability issued in terms of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food (GNR.918 of 30 July 1999).

(2) A street trader shall ensure that when liquefied petroleum gas is used during its activities of street trading that it shall comply with appropriate standards and requirements applicable in the use of such gas.

Conduct of a street trader with regard to ensuring place of trading is kept clean

27. A street trader shall, for the term—

- (a) dispose of litter generated by his or her business in whatever receptacle is provided or approved by the City Manager for the public or at a dumping site of the City;
- (b) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (c) on request by an authorised official, move his or her property and goods so as to permit the cleansing of the area or site where he or she is trading, or the effecting of municipal services or for any other lawful reason;
- (d) ensure that no smoke, fumes or other substance causes air pollution;
- (e) ensure that no odour, or noise emanating from his or her activities causes a nuisance of any kind;
- (f) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (g) keep his or her property in a clean, sanitary and well maintained condition;
- (h) to the satisfaction of the City Manager, take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public place, or into a storm water drain, of any fat, oil or grease or any other substance that may be harmful to the general public and users of the public place; and
- (i) ensure that on conclusion of his or her business for the day, the area or site occupied by him or her for the purposes of trade is free of litter and must do so within the parameters of certain prescribed specific periods of time.

Regulation of street trading

28.(1) No person shall, except with the prior approval of the City Manager granted specifically with regard to the Competition—

- (a) carry on the business of street trading at any Controlled Access Site or Exclusion Zone during the term;
- (b) carry on the business of street trading in a restricted area;

- (c) carry on the business of street trading in a garden or park to which the public has a right of access.
- (2) No person shall carry on the business of street trading—
- (a) in a prohibited area;
- (b) on a verge contiguous to an auto teller bank machine;
- (c) on a verge contiguous to—
- (i) a building declared to be a heritage resource in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), except where special permission has been granted in terms of the same legislation;
- (ii) a building belonging to or occupied solely by the state or the City;
- (iii) a church or other place of worship;
- (iv) a public place, except to the extent that the carrying on of such business is permitted by a sign erected or displayed by the City Manager and in compliance therewith;
- (v) at a place where—
- (aa) it causes obstruction of the entrance or exit from a building; and
- (bb) it causes an obstruction of a fire hydrant or other municipal service;
- (vi) on that half of a public road contiguous to a building used for residential purposes if the owner or person in control or any occupier of the building objects to it;
- (vii) on that half of a public road contiguous to a shop or that part of a building in which business is being carried on by a person who sells goods of the same nature as, or of a similar nature to, goods being sold by the street trader if that person objects to it;
- (viii) on a stand or in any area demarcated by City Manager in terms of section 6A(3)(b) of the Businesses Act, 1991 (Act No. 71 of 1991), if he or she is not in possession of written proof that he or she has rented such stand or area from the City or that such stand has been allocated to him; nor shall he or she trade in contravention of the terms and conditions of such lease, permit or allocation; and
- (ix) within a reasonable distance from any Controlled Access Site, such distance as determined by the City Manager.

Restricted and prohibited trading areas

29. The City may identify and demarcate restricted areas or prohibited areas in accordance with the Businesses Act, 1991 (Act No. 71 of 1991), or any by-law regulating informal trading.

Prohibition on persons under the age of sixteen

30.(1) No person under the age of sixteen years shall engage in the business of street trading in or near a public place.

(2) Any person who or which employs or engages or requests a person referred to in subsection (1) to conduct the business of street trading or to assist therewith shall be guilty of an offence.

CHAPTER 7—MISCELLANEOUS PROVISIONS

Powers of entry to request and inspect approvals

31.(1) An authorised official shall be entitled to request or inspect any approval granted in terms of this By-law.

(2) Failure to furnish such approval by the owner or other holder thereof shall constitute an offence under these By-laws.

Access rights and restrictions on Controlled Access Sites

32.(1) The right of access to and use of a Controlled Access Site shall be regulated through accreditation and ticketing.

(2) Depending on the nature of the Controlled Access Site and the nature of the event being held at such Controlled Access Site, no person other than—

- (a) an accredited person;
- (b) a ticket holder; or
- (c) any other person duly authorised or permitted to enter a Controlled Access Site,
- shall be permitted access to a Controlled Access Site.

Instructions by authorised officials in respect of public open spaces

33. An authorised official may instruct any person to leave a public open space if—

- (a) the authorised official reasonably believes that the person is contravening any provision of this By-law; and
- (b) such person fails to immediately terminate such contravention upon the instruction of that authorised official.

Search and seizure powers of the City on public roads and in respect of contraventions on street trading

34.(1) Subject to section 5, an authorised official may in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and subject to any other applicable legislation, search, remove or impound any goods, property, container, structure, materials, substance, shelter, tent vehicle of any nature whatsoever, whether or not unattended, which—

- (a) he or she reasonably suspects of being used or are intended to be used or have already been used in or in connection with the business of street trading or a contravention of this By-law;
- (b) is left or parked at any unauthorised parking area;

- (c) he or she finds in park or on a public place and which in their opinion constitutes an infringement of this By-law, whether or not such goods, property, container, structure, materials, substance, shelter, tent or vehicle which is in the possession of or under the control of any person at the time of such impoundment or removal.
- (2) An authorised official shall issue a receipt from an approved receipt book to the person who appears to be in control of the goods, property, structure, materials, substance, container, shelter, tent or vehicle concerned.
- (3) Any goods, property container, structure, materials, substance, shelter, tent or vehicle as contemplated in subsection (1) shall be marked in a suitable manner and kept in safe custody.
- (4) The street trader whose goods, property, container, structure, material, substance, shelter or tent is impounded in terms of this By-law shall, before such goods, property, materials, substance, container, shelter, tent or vehicle is returned to him or her pay to the City the storage costs as determined by City Manager from time to time.
- (5) The owner thereof may claim any impounded goods, property, container, structure, materials, substance, shelter, tent or vehicle, on production of proof of ownership to the satisfaction of the City Manager.
- (6) Any goods, property, structure, materials, substance, container, shelter, tent or vehicle which has not been claimed within a period of three months from the date of impoundment, may be destroyed if of no commercial value, or sold by public auction and the proceeds thereof shall be retained by the City to defray its costs and expenses with regard to the contravention, impoundment and storage.
- (7) The City shall not be liable for compensation to any person for damages arising out of the damage to or the loss of any goods, property, container, structure, materials, substance, shelter, tent or vehicle removed in terms of subsection (1) or sale thereof by public auction, and the owner of such goods, property, materials, substance, container, tent or vehicle shall have no claim or right of redress against the City, should such goods, property, materials, substance, container, tent or vehicle be handed over in good faith to a person other than the owner thereof.
- (8) Any goods of a perishable nature will only be kept for 24 hours from impoundment and will be disposed of at the discretion of the City Manager.

Right to make representations

35. Notices referred to in sections 9(1) (a) and (b), and 10(1) and (2) must—

- (a) state the date on which compliance is required;
- (b) afford the persons affected by such notice an opportunity to make representations not later than a date specified in the notice; and
- (c) the date of commencement of the notice.

Offences and penalties

36. Any person who—

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this Bylaw; or
- (c) omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this Bylaw ought to be done at the time and in the manner therein provided; or
- (d) knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw; or
- (e) does not cease any action which that person is required to cease under this Bylaw; or
- (f) fails or refuses, neglects to comply or continuously fails, refuses, neglects to comply even after notices of breach or lawful institutions have been issued in terms of this By-law; or
- (g) fails to comply with any notice, direction or conditions contained in any licence granted by the City Manager; or
- (h) obstructs an authorised official in the execution or performance or attempted execution or performance of any duty to be discharged by such authorised official in the exercise of any power conferred by this By-law,

is guilty of an offence and liable on conviction to a fine not exceeding Ten Thousand Rand (R10 000, 00) or in default of payment to imprisonment for a period not exceeding six (6) months, or both, and in the case of a continuing offence, to a further fine, or in default of payment to a further period of imprisonment, for every day during the continuance of such offence after a written notice has been issued by the City Manager and served on the person concerned requiring the discontinuance of such offence.

Delegations

37.(1) The City Manager may delegate any of his or her powers and duties in terms of this By-law to any official of the City.

- (2) Any reference to the City Manager in this By-law shall be construed as reference to the official so delegated.

CHAPTER 8—FINAL PROVISIONS

Short title

38. This By-law is called the City of Cape Town: 2010 FIFA World Cup South Africa By-law, and shall operate for the term.

SCHEDULE

TERM

1. Final Draw—13 November 2009 to 12 December 2009; and
2. World Cup— 21 April 2010 to 19 July 2010.

STAD KAAPSTAD
VERORDENINGE OP DIE 2010 FIFA WERELDBEKER SUID-AFRIKA

INHOUDSOPGAWE

Hoofstuknommer en—beskrywing

1. HOOFSTUK 1—INLEIDENDE BEPALINGS
2. HOOFSTUK 2—HOOFBEPALINGS: REKLAME
3. HOOFSTUK 3—HOOFBEPALINGS: BEHEERDETOEGANGSTERREINE
4. HOOFSTUK 4—HOOFBEPALINGS: VERFRAAIING VAN OPENBARE RUIMTES EN DIE STAD
5. HOOFSTUK 5—HOOFBEPALINGS: OPENBARE PAAIE EN VERKEERSREELING
6. HOOFSTUK 6—HOOFBEPALINGS: STRAATHANDEL
7. HOOFSTUK 7—DIVERSE BEPALINGS
8. HOOFSTUK 8—SLOTBEPALINGS
9. BYLAE—TERMYN

AANHEF

NADEMAAL:

Artikel 156(1) van die Grondwet aan die Stad die bevoegdheid verleen om verordeninge uit te vaardig vir die doeltreffende bestuur van sake wat binne sy regsgebied val; en

Die Stad Kaapstad as 'n gasheerstad van die 2010 FIFA Wêreldbeker sekere verordeninge vir die doeltreffende aanbied van die kompetisie in Kaapstad wil aanvaar;

DERHALWE VERORDEN die Stad Kaapstad soos volg:

HOOFSTUK 1—INLEIDENDE BEPALINGS

Woordomskrywing

1. In hierdie verordening, tensy uit die samehang anders blyk, beteken:

“aangewese (parkeer)ruimte” 'n gedeelte van 'n pad of die padreserwe wat aangewys en afgebaken is as 'n plek waar 'n voertuig wettig geparkeer kan word;

“advertensie” 'n visuele voorstelling vir reklamedoeleindes, wat insluit, maar nie beperk is nie tot, 'n teken, illustrasie, voorwerp, simbool, merkteken of enige soort ontwerp in 'n openbare plek, of wat vir die publiek sigbaar is uit enige openbare plek, wat insluit, maar nie beperk is nie tot, enige straat of enige openbare plek of enige ander uitkykpunt, of wat onder of bo-oor enige brug, gebou of ander struktuur hang, wat rook-/lugskrif insluit, of enige kombinasie van sodanige elemente met die doel om inligting oor te dra;

“afval” vullis, wat insluit, maar nie beperk is nie tot, enige stof of artikel waarmee 'n persoon wil wegdoen aangesien dit ongewens, oorbodig, gebreek, afgeleef, verslete, besmet of andersins bederf is, en wat weggegooi is of opgehoop of geberg is om weggegooi, hergebruik of herwin te word;

“akkreditasie” akkreditasie ingevolge die bylae oor akkreditasiestelsels en—prosedure;

“amptelike embleem” enige amptelike logo of amptelike ontwerp van die kompetisie;

“amptelike geleentheid” enige organisatoriese, sosiale, kulturele en ander amptelike funksies, plegtighede en trekkings wat met betrekking tot die kompetisie deur die PRK of FIFA op tou gesit, aangebied of gereël word;

“amptelike oefenterrein” 'n plek binne die regsgebied van die Stad wat vir enige kompetisieverwante oefensessie vir 'n span gekies word, wat die om- en aanliggende gebiede, parkeergeriewe, mediagebiede, wandelhalle, omheining en ingange onder beheer van die Stad insluit;

“beheerdetoegangsterrein”:

- (a) die plekke waar wedstryde gespeel sal word, wat insluit, maar nie beperk is nie tot, die stadion;
- (b) die plekke waar die amptelike geleentheid sal plaasvind;
- (c) enige ander gebiede met betrekking waartoe toegang deur akkreditasie toegestaan word;
- (d) akkreditasiesentra;
- (e) amptelike oefenterreine;
- (f) spanhotelle;
- (g) die amptelike hotelle vir die FIFA-afvaardiging;
- (h) FIFA-ondersteunersparke; en
- (i) enige ander gebied binne die regsgebied van die Stad wat by wyse van 'n kennisgewing in die media deur die Stad as 'n beheerdetoegangsterrein aangewys of afgebaken word, wat privaat eiendom sal insluit wat binne sodanige grense val;

“bemarkingsregte” alle reklame, produkbevordering, bemarking, artikelverkope, lisensieëring, verspreiding, borgskap, gasvryheid, publisiteit en enige ander regte of verwante kommersiële geleentheid buite die mediaregte met betrekking tot of in verband met die kompetisie;

“beperkte gebied”, met betrekking tot straathandel, enige gebied wat ingevolge artikel 6A(2) van die Wet op Besighede, 1991 (nr. 71 van 1991) tot 'n beperkte gebied vir straathandel verklaar is;

“borg van die FIFA Wêreldbeker” ’n persoon aan wie FIFA die tweede omvattendste pakket beskikbare bemarkingsregte verleen;

“bylae oor akkreditasiestelsels en—prosedure” FIFA se akkreditasiestelsels en—prosedure wat op die kompetisie betrekking het;

“deelnemende lidvereniging” enige FIFA-lidvereniging wie se verteenwoordigende span in aanmerking kom vir deelname aan die kompetisie;

“dienste” enige voordeel of gewin in ruil vir vergoeding of beloning;

“eienaar”, met betrekking tot ’n teken, die eienaar van vaste eiendom, of ’n persoon wat die reklamestruktuur van toepassing op ’n teken besit of huur, of wat sodanige reklamestruktuur sal besit of huur sodra dit opgerig word, en enige persoon wat ’n reg het om in die eienaarskap of huur van sodanige reklamestruktuur te deel;

“eiendom”, met betrekking tot ’n persoon wat straathandel beoefen, enige artikel, bak/houer, voertuig of struktuur wat met betrekking tot sodanige werksaamhede gebruik word of veronderstel is om daarvoor gebruik te word;

“FIFA” Fédération Internationale De Football Association;

“FIFA-afvaardiging”, met betrekking tot die kompetisie—

- (a) FIFA-personeel sowel as die personeel van alle FIFA-filiaalmaatskappye;
- (b) lede van FIFA se interne amptelike komitees;
- (c) gaste van FIFA; en
- (d) alle ander individue wat deur FIFA as lid van die FIFA-afvaardiging benoem is;

“FIFA-lidvereniging” enige nasionale sokkervereniging wat amptelik by FIFA geaffilieer is;

“FIFA-ondersteunerspark” ’n ondersteunerspark wat, onder die vaandel en leiding van FIFA, deur die Stad ingestel word;

“FIFA-vennoot” ’n persoon aan wie FIFA die omvattendste pakket beskikbare bemarkingsregte verleen;

“finale trekking” die amptelike trekkingsplegtigheid vir die kompetisie waardeur die deelnemende lidverenigings aan kompetisie-groepe toegewys word;

“gemagtigde amptenaar” ’n persoon met die nodige magtiging om die bepalinge van hierdie verordening toe te pas, wat insluit, maar nie beperk is nie tot:

- (a) vredesbeamptes soos in artikel 334 van die Strafproseswet, 1977 (nr. 51 van 1977) bedoel;
- (b) lede van die Suid-Afrikaanse Polisiediens of metropolitaanse polisiebeamptes soos in die Wet op die Suid-Afrikaanse Polisiediens, 1995 (nr. 8 van 1995) bedoel; of
- (c) sodanige werknemers, agente, gedelegeerde benoemdes, verteenwoordigers of diensverskaffers van die Stad soos bepaald vir hierdie doeleinde deur die Stad gemagtig;

“goedere” enige items of voorraad wat vir verhandelingsdoeleindes deur ’n straathandelaar uitgestal of gehou word;

“goedkeuring” goedkeuring deur die Stad, wat ook goedkeuring deur ’n gemagtigde amptenaar insluit, terwyl **“goedkeur”** dieselfde betekenis het;

“handelsmerk-gelisensieerde” enige persoon buiten ’n FIFA-vennoot, of borg of nasionale ondersteuner van die FIFA Wêreldbeker, aan wie FIFA die reg verleen om enige van die kompetisiemerkttekens op produkte en verwante produkverpakking en produkreklamemateriaal aan te bring wat ook die korporatiewe merkbeeld of handelsmerk van sodanige persoon dra;

“kaartjie” die bewysstuk wat toon dat die kaartjiehouer die reg het om ’n stadion te betree om ’n bepaalde wedstryd of amptelike geleentheid van die kompetisie by te woon en vir daardie doeleinde met sodanige kaartjie ’n bepaalde sitplek te bekom ooreenkomstig die kaartjebepalings en—voorwaardes en alle toepaslike wette;

“kaartjiehouer” ’n persoon met die reg ingevolge ’n kaartjie om ’n bepaalde wedstryd of amptelike geleentheid by te woon en vir daardie doeleinde met sodanige kaartjie ’n bepaalde sitplek te bekom;

“kennisgewing in die media” ’n kennisgewing in die drie amptelike tale, in koerante wat binne die Stad se grense verskyn;

“kleefbemarking” (*ambush marketing*) bemarkings-, produkbevoororderings-, reklame- of openbare-betrekkingebedrywighede in woorde, klank of enige ander vorm, hetsy regstreeks of nieregstreeks gekoppel aan die kompetisie, en wat aanspraak maak of dui op ’n verbintenis met die kompetisie en/of kapitaliseer of bedoel is om te kapitaliseer op ’n verbintenis met die kompetisie, of daaruit voordeel trek of bedoel is om daaruit voordeel te trek ten koste van enige borg van die kompetisie, maar wat onderneem word deur ’n persoon wat nie deur FIFA gemagtig is om ’n verbintenis met die kompetisie te hê of voormelde aktiwiteit te beoefen nie;

“kommersiële geaffilieerde” enige FIFA-vennoot, of borg, nasionale ondersteuner en handelsmerk-gelisensieerde van die FIFA Wêreldbeker;

“kompetisie” die 2010 FIFA Wêreldbeker Suid-Afrika_ wat van 11 Junie tot 11 Julie in die jaar 2010 onder die bestuur van FIFA in die Republiek van Suid-Afrika sal plaasvind, wat alle wedstryde en amptelike geleenthede insluit;

“kompetisiemerkttekens”:

- (a) die amptelike embleem;
- (b) enige amptelike kompetisiemaskot;
- (c) enige amptelike kompetisieplakkaat;
- (d) enige amptelike kompetisiebeeld-ontwerpe;
- (e) twee- of driedimensionele voorstellings van die FIFA Wêreldbekertrofee; en
- (f) enige kompetisieverwante ontwerpe en benamings, wat insluit handelsmerke en merkttekens soos in die Handelsmerkwet, 1993 (nr. 194 van 1993) omskryf;

“kruising” enige kruising soos omskryf in die regulasies wat ingevolge die Nasionale Padverkeerswet, 1996 (nr. 93 van 1996) uitgevaardig is;

“lugbesoedeling” dieselfde as in die Wet op Nasionale Omgewingsbestuur: Luggehalte, 2004 (nr. 39 van 2004);

“media” alle lede van die gedrukte media, fotograawe en elektroniese media wat op media-akkreditasie geregtig is;

“mediaregte” die reg om die kompetisie of enige deel daarvan, sowel as alle opnames daarvan, uit te saai, oor te sein, te vertoon, te verfilm en te fotografeer, in enige vorm en via alle bekende en toekomstige media, asook die reg om genoemde ten volle te benut en te ontgin;

“nasionale ondersteuner” ’n persoon aan wie FIFA ’n pakket gespesifiseerde bemarkingsregte verleen, welke regte slegs in die Republiek van Suid-Afrika uitgeoefen mag word;

“ontspanning” enige aktiwiteit wat deel uitmaak van vryetydsbesteding;

“openbare pad” ’n plein; openbare straat; laan; pad; sypaadjie; verkeerseiland in ’n straat, laan of pad; duikweg; brug; looplyns; openbare deurloop, en enige deurgang wat op ’n algemene dorpsplan aangedui word of met betrekking waartoe die publiek ’n voorskriftelike of ander deurgangsreg bekom het en wat meer uitvoerig in die Nasionale Padverkeerswet, 1996 (nr. 93 van 1996) omskryf word;

“openbare plek”:

- (a) enige openbare grond; plein; openbare swembad; openbare oord; openbare ontspanningsterrein; dierkundige, plantkundige of ander openbare tuin; park of staproete, wat enige gedeelte daarvan en enige gerief of apparaat daarin of daarop insluit, asook enige openbare oop ruimte, openbare pad, padreserwe, reserwestraat, meer, dam of rivier;
- (b) enige openbare gebou, struktuur, saal, vertrek of kantoor, wat enige gedeelte daarvan en enige gerief of apparaat daarin insluit, wat die eiendom is van, in besit is van, of beheer of gehuur word deur die Stad, en waartoe die algemene publiek toegang het, hetsy deur die betaling van toegangsgeld of nie;
- (c) enige natuurbewaringsgebied, wat insluit:
 - (i) natuureservate;
 - (ii) beskermde natuurgebiede;
 - (iii) bewaringswaardige natuurgebiede;
 - (iv) oop natuurruimtes;

“openbare reklamemedia” reklamemedia wat insluit, maar nie beperk is nie tot, lamp- en elektriesiteitspale en reklameruimte op openbare geboue wat deur die Stad besit, gehuur of bestuur word of onder die regstreekse beheer van die Stad is;

“padrand” ’n (pad)rand soos omskryf in die Nasionale Padverkeerswet, 1996 (nr. 93 van 1996); en

“perseel” ’n erf, standplaas, stuk grond, kleinhoewe, landbouhoewe, plaasgedeelte of soortgelyke entiteit, of enige gebou of aanbouings daarby, wat in ’n aktesregister geregistreer is;

“persoon” ’n regspersoon, wat ’n natuurlike persoon, vennootskap, firma, korporasie, korporasietrust, oningelyfde vereniging, gesamentlike onderneming, maatskappy of beslote korporasie insluit;

“plaaslike gemeenskap” ook persone wat die Stad se regsgebied besoek, wat besoekers aan die kompetisie insluit;

“PRK” die 2010 Wêreldbeker-reëlingskomitee, ’n vereniging wat ingevolge artikel 21 van die Maatskappyyewet, 1973 (nr. 61 van 1973) tot stand gebring is (registrasiennr. 2005/029945/08);

“reklame” die handeling of proses van kennisgewing, waarskuwing, tentoonstelling, bekendmaking of enige ander handeling van inligtingsoordrag op ’n visuele of mondelingse wyse;

“reklamebord” enige skerm, bord of teken vir reklamedoeleindes wat deur ’n losstaande struktuur ondersteun word en hetsy met die hand of geskryf, geteken of geverf; met papier beplak; met sierverfwerk bedek; met viniel beplak, of met ’n kombinasie van sodanige metodes bedek, beplak of beskryf is en spesiale effekte kan insluit;

“reklamestruktuur” enige fisiese struktuur wat opgerig of geplaas is om ’n teken of reklamebord te vertoon, of waaraan ’n teken of reklamebord geheg is;

“rommel” enige bak, houër of ander materiaal wat weggegooi of agtergelaat is;

“SASV” Suid-Afrikaanse Sokkervereniging;

“span” enige span wat ’n deelnemende lidvereniging verteenwoordig en wat vir deelname aan die kompetisie in aanmerking kom; verwysings na **“span”** sal alle lede van oefengroepe en afrigters insluit soos neergelê in die 2010-regulasies, asook mediese en ander hulp personeel;

“spanhotel” ’n hotel of enige ander plek wat binne die regsgebied van die Stad aan ’n span verblyf bied;

“spesiale geleentheid” ’n parade, optog, resies, konsert, vertoning, uitstalling, fees, plegtigheid, verfilming, fotosessie of enige ander soortgelyke geleentheid van ’n sport-, kulturele of ontspanningsaard wat die alleengebruik van ’n openbare plek, hetsy in sy geheel of gedeeltelik, vereis;

“Stad” die Stad Kaapstad ingestel ingevolge die Wet op Plaaslike Regering: Munisipale Strukture (nr. 117 van 1998);

“stadion” enige stadion binne die geografiese regsgebied van die Stad wat vir doeleindes van die kompetisie gebruik sal word, wat die hele perseel daarvan binne die grensheining, die lugruimte bo sodanige stadionperseel, alle parkeerfasiliteite, gasvryheidsgebiede, mediasones, konsessiegebiede en kommersiële uitstalgebiede insluit;

“stadsbestuurder” ’n persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (nr. 117 van 1998) as stadsbestuurder aangestel is;

“steurnis”:

- (a) enige stroom, poel, moeras, voor, sloot, waterloop, waterbak, watersekreet, droë toilet, urinaal, sinkput, vuilput, drein, rioolpyp, riooltenk, ashoop of mishoop wat so morsig of in so ’n toestand of geleë of opgerig is dat dit aanstootlik, of skadelik of gevaarlik vir menslike gesondheid is;
- (b) enige stal, kraal, skuur, kamp of perseel wat gebruik word vir die aanhouding van diere of voëls, en wat so opgerig of geleë is en gebruik of gehou word dat dit aanstootlik, of skadelik of gevaarlik vir menslike gesondheid is;

- (c) enige opgehoopte vullis, afval, mis of ander materiaal wat aanstootlik, of skadelik of gevaarlik vir menslike gesondheid is;
- (d) enige openbare gebou wat so geleë of opgerig is en gebruik of gehou word dat dit onveilig, of skadelik of gevaarlik vir menslike gesondheid is;
- (e) enige bewoonde blyplek wat nie binne 'n redelike afstand toegang tot behoorlike en voldoende suiwervatervorsing het nie;
- (f) enige fabriek of nywerheids- of sakeperseel wat nie in 'n higiëniese toestand en vry van aanstootlike reuke uit enige drein, watersekreet, droë toilet, urinaal of enige ander bron gehou word nie; of wat nie oor genoeg ventilasie beskik om so ver prakties moontlik enige gasse, dampe, stof of ander onsuiverhede wat ontstaan, uit die weg te ruim of onskadelik te maak nie; of wat so oorvol of swak verlig of geventileer is dat dit skadelik of gevaarlik is vir die gesondheid van diegene wat daarin of—op werk;
- (g) enige fabriek of nywerheids- of sakeperseel wat reuke of onwelriekende walms veroorsaak of laat ontstaan wat aanstootlik, of skadelik of gevaarlik vir menslike gesondheid is;
- (h) enige stuk grond wat in 'n aanstootlike toestand gehou of gelaat word;
- (i) enige ander aktiwiteit, toestand of ding wat ingevolge die bepalings van die Gesondheidswet, 1977 (nr. 63 van 1977) deur die minister tot steurnis verklaar is;
- (j) enige handeling of toestand met 'n nadelige invloed op:
 - (i) die gesondheid of welstand van 'n persoon of die algemene publiek;
 - (ii) 'n eienaar of bewoner se gebruik en genieting van sy/haar eiendom;
 - (iii) 'n lid van die publiek se gebruik en genieting van 'n openbare plek;

“straathandel” die verkoop van enige goedere in 'n openbare plek;

“straathandelaar” 'n persoon wat goedere verkoop, wat insluit 'n verkoper, smous of venter, asook:

- (a) 'n persoon wat as hoof, agent, assistent, subkontraakteur, werkgewer of werknemer straathandel beoefen, of namens wie of ten gunste van wie straathandel beoefen word; en
- (b) 'n persoon aan wie die Stad 'n staanplek verhuur of toewys vir solank as wat sodanige persoon daarop straathandel beoefen;

“straatmeubels” enige meubels wat deur of namens die Stad by 'n openbare plek geïnstalleer word;

“teken”:

- (a) enige metode waardeur skrif, letters, nommers, syfers, voorwerpe, kompetisiemerktekens, foto's, simbole of illustrasies vertoon word, wat insluit, maar nie beperk is nie tot, 'n niefisiese teken wat op 'n gebou of 'n ander struktuur of in die lug met behulp van moderne tegnologie (bv. laserstrale) geprojekeer word, welke ontwerp, artikel of niefisiese teken op enige manier hoegenaamd vanaf 'n openbare, of enige, plek sigbaar is of versprei word vir die doel van reklame, die bied van inligting, kleefbemarking of die lok van die publiek na enige plek, openbare vertoning, of artikel of items te koop, ongeag of die oppervlak van die teken geheg is aan of deel uitmaak van 'n gebou, of vasgemaak is aan die grond of 'n paal, boom, skerm of reklamebord, persoon, voertuig of enige ander beweeglike voorwerp; of
- (b) enige metode waardeur skrif, letters, nommers, syfers, voorwerpe, kompetisiemerktekens, foto's, simbole of illustrasies op enige ander manier vertoon of versprei word, wat insluit, maar nie beperk is nie tot, sekuriteitstekens; projeksietekens; sleepwatekens; grensmuurtekens; toerismetekens; venstertekens; tekens op geboue; rookskrif; daktekens; plat tekens; geverfde tekens op mure en dakke van geboue; vlieërttekens; ontwikkelingstekens; diensfasiliteittekens; tekens vir geborgde padverkeersprojekte; geboutoelvoutekens (*building wrap signs*); bouperseeltekens; toring- en brugtekens; perseelsaketekens; tekens by residensiële eiendomme of gemeenskapstekens; voorhoftekens; balkon-, stoep-, afdak- en sonkaptekens; funksionele tekens van openbare liggamme; eiendomsagenttekens; elektroniese tekens; tekens vir die verkoop van goedere of vee; tekens wat deur voertuie getrek, geskep of daaraan geheg word; handtekens; baniere, en tekens op of as deel van klere, hoofbedekkinge, kostuums, vlae, toeskouer-artikels of—baniere, en wat duidelikheidshalwe enige reklamebord insluit, maar Stad-padverkeerstekens en—straatnaamtekens uitsluit;

“termyn” die tydperk soos in aangehegte bylae bepaal;

“uitsaaireghouers” persone wat enige deel van die uitsaairegte regstreeks of nieregstreeks van FIFA bekom het;

“uitsaairegte” die reg om die kompetisie of enige deel daarvan, sowel as alle opnames daarvan, uit te saai, oor te sein, te vertoon, te verfilm en te fotografeer, in enige vorm en via alle bekende en toekomstige media, sowel as die reg om genoemde ten volle te benut en te ontgin;

“uitsluitingsone” die beheerde sone net buite die buitengrens van die stadion, soos deur die Stad aangewys of afgebaken, wat privaat eiendom binne sodanige grens insluit;

“veiligheid-en-sekuriteitsplan” die veiligheid-en-sekuriteitsplan wat ten tyde van die kompetisie deur die Stad in werking gestel word;

“verbode gebied”, met betrekking tot straathandel, 'n plek wat ingevolge artikel 6A(2) van die Wet op Besighede, 1991 (nr. 71 van 1991) tot verbode gebied vir straathandel verklaar is;

“verkeersvrye sone” dieselfde as in artikel 1 van die Wet op die 2010 FIFA Wêreldbeker Suid-Afrika: Spesiale Maatreëls, 2006 (nr. 11 van 2006);

“vryhoogte” die minimum vertikale afstand vanaf die grond, pad of oppervlak, na gelang van omstandighede, tot by die onderkant van 'n teken; en

“wedstryd” elke sokkerwedstryd in sy geheel, ekstra tyd en strafskopfasies ingereken, van die kompetisie, wat oefenwedstryde en enige vertrapde of uitgestelde wedstryde en herhaalwedstryde insluit.

Toepassing van die verordening

2(1) Vir die doeleindes van hierdie verordening, sal 'n verwysing na enige wetgewing 'n verwysing na daardie wetgewing sowel as die regulasies daaronder uitgevaardig verteenwoordig, soos op die datum van uitvaardiging van hierdie verordening, en soos van tyd tot tyd gewysig of herverorden.

(2) In soverre die bestaande verordening van die Stad en hierdie verordening in stryd is met mekaar, sal die bepalings van hierdie verordening geld.

Doel van die verordening

3. Die doel van hierdie verordening is om die Stad gedurende die termyn daartoe in staat te stel om:

- (a) reklame te reguleer;
- (b) beheerdetoegangsterreine te bestuur;
- (c) spesiale geleenthede te reguleer en openbare oop ruimtes te bestuur en netjies te hou;
- (d) toepaslike verkeersreëlings-,—bestuurs- en—beheermaatreëls te aanvaar, wat insluit om openbare-padgebruikers van alle nodige inligting te voorsien, wat insluit, maar nie beperk is nie tot, inligting oor werklike en verwagte padsluitings, ompaaie, parkeergebiede, verkeersvrye sones en, waar moontlik, aanwysings en geskikte roetes na en van stadia en amptelike geleenthede ten einde die ordelike en veilige vloei van verkeer te verseker; en
- (e) straathandel te reguleer.

HOOFSTUK 2— HOOFBEPALINGS: REKLAME

Aansoek en goedkeuring

4. Vir die doeleinde van hierdie hoofstuk, sal “goedkeuring” beteken goedkeuring ingevolge die Stad Kaapstad: Verordening op Buitereklame en Advertensietekens gepubliseer in Buitengewone Provinsiale Koerant 5801 van 5 Desember 2001, of enige daaropvolgende verordening wat daardie verordening vervang.

Kleefbemarking en onwettige reklame

5.(1) 'n Lid van die metropolitaanse polisiediens kan die bepalings van die Handelswaremerke-wet, 1941 (Wet no.17 van 1941) toepas sover dit betrekking het op die magte van 'n inspekteur om kleefbemarking te bekamp—

- (a) ten tyde van die finale trekking en vir 'n tydperk van een week onmiddellik voor en een week onmiddellik ná die finale trekking;
- (b) gedurende die tydperk van die kompetisie en vir 'n tydperk van twee weke onmiddellik voor die eerste wedstryd en twee weke onmiddellik ná die laaste wedstryd;
- (c) in onderstaande gebiede:
 - (i) by enige beheerdetoegangsterrein;
 - (ii) binne 'n radius van een kilometer van die plek van die finale trekking, of van 'n stadion, of soos deur die stadsbestuurder afgebaken;
 - (iii) binne 'n radius van 100 m van 'n FIFA-ondersteunerspark, of soos deur die stadsbestuurder afgebaken; en
 - (iv) by enige plek sigbaar van 'n openbare pad af, soos deur die stadsbestuurder met behulp van toepaslike tekenborde afgebaken, op pad na die plek van die finale trekking of 'n stadion, en binne twee kilometer van die buitengrens van die plek van die finale trekking of stadion, na gelang van omstandighede of soos deur die stadsbestuurder afgebaken.

(2) Nieteenstaande paragraaf (a), (b) en (c) van subartikel (1), maak niks wat in hierdie verordening vervat is, inbreuk op die magte wat ingevolge die Handelswaremerke-wet, 1941 (Wet no.17 van 1941) aan 'n lid van die metropolitaanse polisiediens verleen is nie.

(3) In soverre dit van toepassing en binne die regsgebied van die Stad is, sal geen persoon sonder die vooraftoestemming van die stadsbestuurder enige reklamebedrywighede via enige openbare reklamemedia van stapel stuur nie:

- (a) ten tyde van die finale trekking en vir 'n tydperk van twee weke onmiddellik voor die finale trekking;
- (b) gedurende die tydperk van die kompetisie en vir 'n tydperk van 15 werkdade onmiddellik voor die eerste wedstryd en 5 werkdade onmiddellik ná die laaste wedstryd;
- (c) in onderstaande gebiede:
 - (i) net buite of om lughawens;
 - (ii) in, net buite of om hoofreinstasies;
 - (iii) binne 'n radius vanaf die sentrale sakekern van die regsgebied van die Stad, soos deur die stadsbestuurder afgebaken;
 - (iv) in soverre dit binne die Stad se regsgebied val, op die hoofroetes tussen die lughawe en hoofreinstasies en die sentrale sakekern van die regsgebied van die Stad en die stadion.

(4) Geen persoon sal gedurende die termyn sonder die skriftelike vooraftoestemming van die stadsbestuurder wat bepaald vir die doeleindes van die kompetisie bekom is, 'n teken of reklamebord by 'n beheerdetoegangsterrein of 'n uitsluitingsone oprig, in stand hou, versprei of vertoon nie.

Veiligheid

6. Geen persoon sal 'n teken, reklamebord of reklamestruktuur op 'n beheerdetoegangsterrein of in 'n uitsluitingsone oprig, in stand hou, versprei of vertoon nie wat:

- (a) 'n gevaar vir enige persoon of eiendom inhou;
- (b) so geplaas is dat dit, of wat 'n element bevat wat die aandag van bestuurders in so 'n mate aflei dat dit waarskynlik tot onveilige padtoestande sal aanleiding gee;
- (c) dermate verlig is dat dit ongemak veroorsaak of belemmerend is vir die sig van aankomende voetgangers of bestuurders;
- (d) aan 'n padverkeersteken of—sein geheg is;
- (e) saam met 'n padverkeersteken of—sein 'n padverkeersteken of—sein verberg;
- (f) verwarring skep met 'n padverkeersteken of—sein;
- (g) die werking van 'n padverkeersteken of—sein belemmer, of 'n padgevaar skep;
- (h) 'n voetganger of bestuurder se sig van voetgangers, pad- of spoorvoertuie, en kenmerke van die pad, spoorlyn of sypaadjie, soos kruisings, draaie en breedteveranderinge, belemmer;

- (i) oor 'n voetganger- of fietsroete uitsteek, tensy die vryhoogte van sodanige teken deur die stadsbestuurder goedgekeur is;
- (j) 'n nooduitgang of brandweertoerusting verberg; of
- (k) nader is as die minimum vryruimte van oorhoofse kragkabels, soos deur die stadsbestuur voorgeskryf.

Ontwerp en bou

7.(1) Reklamestrukture op 'n beheerdetoegangsterrein of in 'n uitsluitingsone sal ontwerp en gebou word ingevolge toepaslike standaarde soos deur die Suid-Afrikaanse Buro vir Standaarde (SABS) goedgekeur.

(2) Elke teken op 'n beheerdetoegangsterrein of in 'n uitsluitingsone waarvoor elektrisiteit gebruik word, wat elektroniese tekens en ligreklame insluit, moet:

- (a) oor kragkabels en leipype beskik met elektriese geleiers wat op so 'n wyse geplaas en vasgemaak is dat dit nie onooglik is nie;
- (b) sodanig ontwerp wees dat die teken nie 'n brandgevaar inhou nie;
- (c) oor 'n eksterne skakelaar in 'n toeganklike posisie en minstens drie meter van die grond af beskik met behulp waarvan die elektrisiteitstoevoer na die teken afgesluit kan word;
- (d) ooreenkomstig en onderworpe aan die bepalings van alle toepaslike wette en regulasies bedraad en gebou word; en
- (e) deur 'n gekwalifiseerde elektriese geïnstalleer en opgerig word.

(3) Geen persoon sal 'n teken, reklamebord of reklamestruktuur op 'n beheerdetoegangsterrein of in 'n uitsluitingsone oprig, in stand hou of vertoon wat inbreuk maak of 'n nadelige uitwerking het op die werking van die natuuumgewing nie.

Instandhouding

8. Alle tekens op beheerdetoegangsterreine of in uitsluitingsones sal behoorlik en op 'n gereelde grondslag deur die eienaars daarvan in stand gehou word, en eienaars sal verseker dat sodanige tekens veilig, netjies en skoon gehou word.

Verwydering van en beslaglegging op tekens

9.(1) Onderworpe aan artikel 5, sal die stadsbestuurder by magte wees om met betrekking tot enige teken, reklamebord, reklamestruktuur of advertensie wat op 'n beheerdetoegangsterrein, in 'n uitsluitingsone of via enige openbare reklamemedia in die gebiede in artikel 5(1)(c)(i) en (ii) na verwys, opgerig, geplaas, versprei of vertoon word:

- (a) die eienaar van sodanige teken, reklamebord, reklamestruktuur of advertensie wat in sy geheel of gedeeltelik oor enige grens van 'n perseel, hetsy openbaar of privaat, uitsteek of dit oorskry, kennis te gee om die teken in sy geheel, of die deel daarvan wat uitsteek of oorskry, onmiddellik te verwyder, met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is nie op oorskrydings of uitsteeksels wat ingevolge die Verordening op die Bestuur en Administrasie van die Stad Kaapstad se Vaste Eiendom deur die stadsbestuurder goedgekeur is; en
- (b) 'n kennisgewing aan die verantwoordelike persoon te beteken om sodanige teken, reklamebord of advertensie te verwyder of te staak indien dit in stryd met die Stad Kaapstad: Verordening op Buitereklame en Advertensietekens vertoon word.

(2) In geval van versuim om aan 'n kennisgewing vir die verwydering van 'n teken, reklamebord, reklamestruktuur of advertensie te voldoen, kan die Stad poog om 'n hofbevel vir die verwydering of staking daarvan te bekom.

HOOFSTUK 3— HOOFBEPALINGS: BEHEERDETOEGANGSTERREINE

Aanwysing van beheerdetoegangsterreine en uitsluitingsones

10(1) Die stadsbestuurder kan deur 'n kennisgewing in die media 'n gebied as 'n beheerdetoegangsterrein aanwys.

(2) Die stadsbestuurder kan deur 'n kennisgewing in die media 'n gebied as 'n uitsluitingsone aanwys.

Algemene verbod van toepassing op beheerdetoegangsterreine

11. Geen persoon sal:

- (a) rook, eet, drink of slaap op enige beheerdetoegangsterrein waar hierdie aktiwiteite verbode is nie;
- (b) enige werk belemmer wat binne die grense van of op 'n beheerdetoegangsterrein uitgevoer word nie, wat insluit, maar nie beperk is nie tot, die installering van toerusting, aanlegte of infrastruktuur;
- (c) enige voorwerp of deel daarvan, of enige vaste toebehoorsel, montering of toerusting van 'n beheerdetoegangsterrein verwyder nie;
- (d) enige dier, buiten gidshonde of diere wat gemagtigde amptenare in die uitvoering van hulle pligte bystaan, op enige beheerdetoegangsterrein bring nie;
- (e) op 'n beheerdetoegangsterrein skel- of andersins aanstootlike taal gebruik of op 'n beledigende, aanstootlike of wanordelike manier optree nie;
- (f) enigeen wat enige beheerdetoegangsterrein gebruik of betree hinder, steur, belemmer of teister nie;
- (g) enige deel van 'n beheerdetoegangsterrein of die inhoud of toerusting daarvan hetsy regstreeks of nieregstreeks beskadig nie;
- (h) enige stof wat gevaar of skade vir enige gebruiker van 'n beheerdetoegangsterrein kan inhou of veroorsaak, mors of stort nie;
- (i) enige vernielsgtige daad pleeg nie, wat insluit, maar nie beperk is nie tot, die verf, skending of merk van enige deel van enige beheerdetoegangsterrein;
- (j) op enige beheerdetoegangsterrein lê, sit, byeenkom of loop op 'n wyse wat 'n belemmering van enige aard veroorsaak nie;
- (k) hom/haar aan die bestuurder van 'n motorvoertuig wat sodanige voertuig by 'n beheerdetoegangsterrein parkeer, opdring of aan hom/haar voorstelle maak vir die doeleinde of onder die voorwendsel daarvan om na die motorvoertuig te kyk of daarvoor te waak nie;
- (l) op enige beheerdetoegangsterrein urineer, ontlas of enige daad van openbare onwelvoeglikheid pleeg nie;
- (m) enige voorwerp wat vir enige gebruiker van 'n beheerdetoegangsterrein gevaar kan inhou, skade kan veroorsaak of hinderlik kan wees, neersit of agterlaat of laat agterlaat nie;

- (n) enige wapen, tradisionele wapen of enige ander voorwerp wat skade kan veroorsaak, op 'n beheerdetoegangsterrein dra, rondswaai of op enige ander wyse vertoon of gebruik nie; of
- (o) enige voorwerp, van watter aard ook al, op of na 'n beheerdetoegangsterrein gooi nie.

Uitsluitingsone

12. Onderworpe aan artikel 5 mag geen persoon op 'n wedstryddag in die uitsluitingsone sake doen nie, buiten met die goedkeuring van die stadsbestuurder wat bepaald vir die doeleinde van die kompetisie bekom is, met dien verstande dat hierdie verbod nie sal geld vir persone wat met betrekking tot hulle gewone sakebedrywighede by die inwerkingtreed van hierdie verordening geoorloof is om 'n onderneming op privaat eiendom te bedryf nie.

HOOFSTUK 4—HOOFBEPALINGS: VERFRAAIING VAN OPENBARE PLEKKE EN DIE STAD

Stadverfraaiing vir die kompetisie

13.(1) Die stadsbestuurder sal 'n beroep doen op alle persone wat gedurende die termyn besig is met groot bouwerk in die openbare oog en na aan groot of gekonsentreerde vervoersentra of vermaakgebiede wat vir die kompetisie gebruik sal of kan word, sowel as na aan beheerdetoegangsterreine en uitsluitingsones, om op eie onkoste alle nodige maatreëls te tref om sodanige boupersone te bedek of te verberg.

(2) Die stadsbestuurder sal by magte wees om enige houder van enige bestaande lisensie, permit, goedkeuring of ander magtiging om enige groot openbare of privaat bouwerk by enige gekonsentreerde vervoersentra of vermaakgebiede wat vir die kompetisie gebruik sal of kan word, sowel as by beheerdetoegangsterreine en uitsluitingsones te onderneem, welke werk reeds by die aanvang van die kompetisie aan die gang is, te versoek om sodanige bouwerk vir die hele termyn of 'n deel daarvan op te kort.

(3) Geen persoon sal enige muur, struktuur of gebou in enige straat of openbare plek, of wat sigbaar is van sodanige straat of openbare plek af, ontsier deur ten tyde van die kompetisie daarop te skryf, verf of enige simbole, prente of tekens daarop aan te bring nie.

Algemene verbod met betrekking tot die verfraaiing van openbare plekke en die stad

14. Geen persoon sal by 'n spesiale geleentheid:

- (a) 'n steurnis veroorsaak of 'n steurende daad pleeg nie;
- (b) teenoor enige ander persoon skel- of andersins aanstootlike taal gebruik of op 'n beledigende, aanstootlike of wanordelike manier optree nie;
- (c) enige ander persoon hinder, steur, belemmer of teister nie;
- (d) enige infrastruktuur, aanleg, toerusting, vaste toebehoorsels, monterings, geboue of strukture regstreeks of nieregstreeks beskadig nie;
- (e) rook, eet, drink of slaap waar hierdie aktiwiteite verbode is nie;
- (f) enige stof wat gevaar of skade vir ander persone kan inhou of veroorsaak, mors of stort nie;
- (g) enige werk wat uitgevoer word of die installering van enige toerusting, aanlegte of infrastruktuur belemmer nie;
- (h) enige voorwerp of deel van enige vaste toebehoorsel, montering, toerusting, aanleg of infrastruktuur verwyder of beskadig nie;
- (i) enige vernielugtige daad pleeg nie, wat insluit, maar nie beperk is nie tot, die verf, skending of merk van enige infrastruktuur, aanleg, toerusting, vaste toebehoorsels, monterings, geboue of strukture;
- (j) lê, sit, staan, byeenkom of loop op 'n wyse wat 'n opsetlike belemmering, of andersins enige belemmering van enige aard, veroorsaak nie;
- (k) hom/haar aan die bestuurder van 'n motorvoertuig wat sodanige voertuig parkeer, opdring of aan hom/haar voorstelle maak vir die doeleinde of onder die voorwendsel daarvan om na die motorvoertuig te kyk of daaroor te waak nie;
- (l) urineer of ontlast buiten in 'n fasiliteit wat bepaald vir daardie doeleinde ontwerp en voorsien is, of andersins enige daad van openbare onwielvoeglikheid pleeg nie;
- (m) geld bedel of vra nie;
- (n) enige voorwerp wat gevaar kan inhou of skade kan veroorsaak, neersit of agterlaat of laat agterlaat nie;
- (o) enige wapen, tradisionele wapen of enige ander voorwerp wat skade kan veroorsaak, dra, rondswaai of op enige ander wyse vertoon of gebruik nie;
- (p) enige voorwerp, van watter aard ook al, gooi nie;
- (q) enige gebied betree waartoe toegang beperk of verbode is nie;
- (r) in enige waterliggaam bad, inloop, swem of hom/haar, 'n dier of enige voorwerp, wat klere insluit, was nie;
- (s) 'n vuur maak, aansteek of andersins veroorsaak nie, buiten in 'n fasiliteit wat bepaald vir daardie doeleinde ontwerp en voorsien is;
- (t) kampeer of bly nie; of
- (u) enige handeling uitvoer wat ingevolge enige kennisgewing of teken, soos deur die Stad opgerig, verbied word nie.

Toegangsbeperking

15. Die stadsbestuurder kan algemene toegang tot en die gebruik van enige openbare oop ruimte beperk ten einde:

- (a) 'n openbare oop ruimte te beskerm;
- (b) vernielug of die vernietiging van Stad-eiendom in enige openbare oop ruimte te verminder; en
- (c) enige aktiwiteit te ontwikkel of te onderneem wat hy/sy binne redelike perke as nodig of toepaslik sou ag om die doelwitte van hierdie verordening in die aanloop tot die kompetisie te behaal.

Afval

16. Geen persoon sal in 'n openbare oop ruimte:

- (a) enige afval neersit, stort, weggooi of mee wegdoen, buiten in 'n houer wat vir daardie doeleinde deur die Stad voorsien word nie; of

(b) enige afval neersit of mee wegdoen, of enige besoedeling veroorsaak wat 'n nadelige uitwerking op enige waterliggaam kan hê nie.

Voertuie

17. Geen persoon sal in 'n openbare oop ruimte:

- (a) (a)enige voertuig, buiten 'n fiets of rytoestel vir 'n persoon met 'n gestremdeheid, bestuur, trek of aandryf nie, buiten op tye en paaie of roetes wat deur die stadsbestuurder gespesifiseer en bepaal is;
- (b) enige voertuig van watter aard ook al teen 'n snelheid vinniger as veertig (40) kilometer per uur bestuur, trek of aandryf nie; of
- (c) enige voertuig van watter aard ook al parkeer nie, buiten in 'n aangewese of ander gebied waar parkering andersins deur die stadsbestuurder toegelaat word.

Plantegroei en diere

18. Geen persoon sal sonder die uitdruklike toestemming van die stadsbestuurder, in 'n openbare oop ruimte:

- (a) enige boom, struik of ander plantegroei versteur, beskadig, vernietig of verwyder nie;
- (b) enige advertensie van watter aard ook al op enige plek in sodanige ruimte opsit, plaas, opstel of skep nie;
- (c) enige plantegroei plant nie;
- (d) die helling of dreineringspatroon wysig ten einde die toegang van water, lug of voedingstowwe tot enige boom of ander plant te beïnvloed nie;
- (e) enige dier, vis, voël (of voëlnes of—eiers) vang of probeer vang, jaag, na skiet, beseer, met voorwerpe gooi, terg, teister of op enige ander manier versteur nie;
- (f) perdry nie, buiten:
 - (i) in 'n gebied wat vir daardie doeleinde deur die stadsbestuurder aangewys is; en
 - (ii) 'n persoon wat in die uitvoering van sy/haar amptelike pligte sodanige openbare oop ruimtes te perd patrolleer;
- (g) met enige dier buiten 'n perd of hond stap, enige dier dra, op sodanige dier ry, of sodanige dier in die openbare oop ruimte inbring nie, met dien verstande dat die teenwoordigheid van 'n perd of hond nie ook in sodanige openbare oop ruimte verbied word nie;
- (h) met enige hond stap nie waar:
 - (i) die stadsbestuurder deur middel van 'n kennisgewing of teken stap met honde in sodanige openbare oop ruimte verbied; of
 - (ii) sodanige hond nie te alle tye in die openbare oop ruimte onder die beheer is van die persoon wat met die hond stap nie.

Gebruik van openbare oop ruimtes

19.(1) Geen persoon sal in 'n openbare oop ruimte:

- (a) die ruimte op 'n manier gebruik wat ander gebruikers van die openbare oop ruimte op 'n onbillike wyse verhinder of verhoed om die openbare oop ruimte te geniet nie; of
- (b) enige goedere of artikels, hetsy te koop of te huur, verkoop, smous, aanbied of uitstal nie, buiten in 'n openbare oop ruimte of deel daarvan wat vir daardie doel deur die stadsbestuurder aan 'n persoon verhuur word.

(2) Geen persoon mag enige geleentheid of spesiale geleentheid onderneem wat vir die doeleindes van die kompetisie gebruik sal of kan word nie, tensy bepaalde toestemming daarvoor van die stadsbestuurder verkry word.

HOOFSTUK 5—HOOFBEPALINGS: OPENBARE PAAIE EN VERKEERSREËLING

Algemene verbod met betrekking tot openbare paaie

20. Geen persoon sal gedurende die kompetisie:

- (a) sonder die toestemming van die stadsbestuurder enige voorwerp, wat enige banier, tou, draad, koord, paal, doringdraadheining, reling, spitspaalheining, muur of enige ander versperring of obstruksie van watter aard ook al insluit, op, onder, oor of bo-oor enige openbare pad oprig, of veroorsaak of toelaat dat dit opgerig word, of plaas nie, met dien verstande dat die verbod nie vir die Suid-Afrikaanse Polisiediens of die metropolisie in die uitvoering van hulle pligte sal geld nie;
- (b) enige materiaal of goedere gebruik wat waarskynlik skade aan enige deel van 'n openbare pad sal veroorsaak, of enige openbare-padgebruiker leed sal aandoen nie, welke gebruikers insluit, maar nie beperk is nie tot, voetgangers, fietsryers, motorfietsryers en motoriste;
- (c) enige stof op of oor of bo-oor 'n openbare pad mors of stort nie, wat insluit, maar nie beperk is nie tot, die uitstorting van enige water, chemikalie of olie wat enige padgebruikers, wat insluit, maar nie beperk is nie tot, voetgangers, fietsryers, motorfietsryers en motoriste, op enige manier in gevaar kan stel of benadeel;
- (d) enige werk belemmer wat deur die Stad of enige gemagtigde diensverskaffer of derde party op 'n openbare pad of met betrekking tot enige Staddienste uitgevoer word nie, wat insluit, maar nie beperk is nie tot, die grawe van gate, slote, putte of tunnels op of onder enige openbare pad;
- (e) enige vernielsugtige daad pleeg nie, wat insluit, maar nie beperk is nie tot, die verf, skending of merk van enige deel van 'n openbare pad;
- (f) enige openbare-padgebruiker, wat insluit, maar nie beperk is nie tot, enige voetganger, fietsryer, motorfietsryer of motoris, wat enige openbare pad gebruik of begaan, hinder, steur, belemmer of teister nie;
- (g) enige dier na 'n openbare pad laat afdwaal of daarop laat loop nie, met uitsondering van gidshonde en diere wat 'n gemagtigde amptenaar in sy/haar wetstoepassingspligte bystaan;
- (h) hom/haar aan die bestuurder van 'n motorvoertuig wat sodanige voertuig in 'n openbare pad of naby 'n plek van vermaak parkeer, opdring of aan hom/haar voorstelle maak vir die doeleinde of onder die voorwendsel daarvan om na die motorvoertuig te kyk of daaroor te waak nie;
- (i) op 'n openbare pad of enige beheerdetoegangsterrein urineer, ontas of enige optrede toon wat as 'n handeling van openbare onwelvoeglikheid beskou kan word nie; en

(j) op/langs 'n openbare pad bedel nie.

(2) Buiten met die toestemming van die stadsbestuurder, sal geen persoon gedurende die kompetisie:

- (a) enige trollie op 'n openbare pad, in 'n uitsluitingsone of op 'n beheerdetoegangsterrein stoot of op enige ander manier laat voortbeweeg nie;
- (b) enige sand, klip, grond, bakstene, hout, kalk, sement of ander bou- of uitgegraafde materiaal van watter aard ook al op enige gedeelte van 'n openbare pad neersit, agterlaat of laat agterlaat nie; of
- (c) enige voertuig van watter aard ook al, wat insluit, maar nie beperk is nie tot, enige motor, bus, minibus, vragmotor, fiets, trapfiets, rodelslee, slee, motorfiets, karavaan, sleepwa, kar, trekker of grondverskuiwingstoerusting, hetsy beman of nie, op enige openbare pad buiten 'n aangewese parkeerruimte parkeer of laat nie.

Algemene verbodende met betrekking tot padverkeersbeheer

21.(1) Geen persoon, buiten 'n gemagtigde amptenaar, sal enige vorm van verkeer met behulp van enige sigbare of hoorbare sein reël nie.

(2) Geen persoon mag 'n voertuig in 'n verkeersvrye sone bestuur of parkeer nie, tensy 'n permit wat die teenwoordigheid van die voertuig in daardie verkeersvrye sone magtig, op 'n geldige wyse uitgereik en bekom is, en sigbaar op die voertuig vertoon word.

(3) Geen persoon op enige trapfiets, motorfiets, rodelslee, slee, rolskaatse of enige ander soortgelyke toestel sal hom/haar of sodanige trapfiets, rodelslee, slee, rolskaatse of toestel aan enige ander bewegende voertuig op 'n openbare pad vasmaak of daaraan vashou nie.

(4) Geen persoon sal sonder die toestemming van die stadsbestuurder enige voertuig van watter aard ook al in 'n aangewese parkeerruimte parkeer of laat parkeer sonder die betaling, waar van toepassing, van die toepaslike bedrag, of sonder om die toepaslike bewys of kaart in die toepaslike parkeermeter vir die vereiste parkeertydperk te plaas nie.

Algemene verbodende met betrekking tot parkering

22. Die stadsbestuurder sal by magte wees om op wedstryddae of met amptelike geleenthede openbare toegang tot aangewese parkeerruimtes en ander parkeergebiede in of om 'n stadion of ander beheerdetoegangsterrein te beperk, en sal in hierdie verband daarop geregtig wees om:

- (a) die reg op gebruik van sekere aangewese parkeerruimtes en ander parkeergebiede binne die stadion en net buite die ingange daarvan tot onderstaande persone te beperk:
 - (i) baie belangrike persone (BBP's);
 - (ii) spanne; en
 - (iii) wedstrydbeamptes, wat skeidsregters insluit;
- (b) die reg op die gebruik van sekere aangewese parkeerruimtes en ander parkeergebiede binne die stadion en so na as moontlik aan die stadiongebou, en waar ook al deur diensverskaffers vereis, tot onderstaande persone te beperk:
 - (i) die FIFA-afvaardiging;
 - (ii) lede van die PRK-afvaardiging;
 - (iii) kommersiële geaffilieerdes;
 - (iv) uitsaaiereghouers;
 - (v) FIFA-gaste; en
 - (vi) diensverskaffers;
- (c) die reg op die gebruik van sekere aangewese parkeerruimtes en ander parkeergebiede binne die stadion tot verteenwoordigers van die media en die mediapendeldiens te beperk.

Opdragte deur gemagtigde amptenare

23. Vir die doeleindes van die toepassing of uitvoering van die veiligheid-en-sekureiteitsplan, kan 'n gemagtigde amptenaar, waar omstandighede dit so vereis, en ter versekering of bevordering van verkeersbeheer of—veiligheid op 'n wedstryddag:

- (a) enige persoon opdrag gee om nie 'n openbare pad te gebruik nie; en
- (b) enige persoon opdrag gee om sy/haar voertuig, hetsy geparkeer, stilstaande of in beweging, van 'n openbare pad te verwyder.

Padsluitings deur stadsbestuurder

24. Ná toepaslike kennisgewing in die media, kan die stadsbestuurder enige openbare pad, straat of deurgang wat onder die Stad se beheer is, tydelik vir die doeleindes van verkeersbeheer, -bestuur of -reëling, of vir die toepassing of uitvoering van die veiligheid-en-sekureiteitsplan sluit, hetsy in die omgewing van enige stadion, amptelike geleentheid, FIFA-ondersteunerspark, amptelike oefenterrein, uitsluitingsone of beheerdetoegangsterrein, of nie.

HOOFSTUK 6— HOOFBEPALINGS: STRAATHANDEL

Goedkeuring vir straathandel

25. Vir die doeleindes van hierdie hoofstuk, sal “goedkeuring” beteken goedkeuring ingevolge verordeninge wat die Stad kragtens die Wet op Besighede, 1991 (nr. 71 van 1991) aanvaar het, of enige wetgewing of wet wat sodanige verordening of wetgewing vervang.

Gedrag van straathandelaars in die algemeen sowel as ten tyde van handel

26.(1) 'n Straathandelaar sal nie gedurende die termyn:

- (a) enige deel van 'n openbare plek met sy/haar eiendom of goedere beset nie, buiten in soverre dit deur die stadsbestuurder goedgekeur is;
- (b) by afhandeling van sy/haar daaglikse sakebedrywighede enige van of al sy/haar eiendom en goedere in 'n openbare plek agterlaat nie;
- (c) sy/haar eiendom of goedere in 'n openbare plek plaas nie, buiten om 'n staanplek op te stel voor die aanvang van sake, of vir die doeleindes van straathandel;

- (d) sy/haar eiendom en goedere op so 'n wyse plaas of opstapel dat dit 'n steurnis of gevaar vir enige persoon of eiendom is of kan wees, of waarskynlik enige persoon sal beseer of eiendom sal beskadig nie;
- (e) enige voorwerp op enige manier aan enige openbare plek, padrand, boom, parkeermeter, lamppaal, elektrisiteitspaal, telefoonpaal, telefoonhokkie, posbus, verkeersteken, bank of enige ander straatmeubels in of op 'n openbare plek vasmaak nie;
- (f) in enige plek of onder enige omstandighede 'n vuur maak waar dit skade of verlies met betrekking tot 'n persoon, gebou of straatmeubels kan meebring nie, tensy daar toestemming daarvoor verkry is om voedsel met behulp van oopvlam- of gasvlamtoestelle te berei;
- (g) by die plek van sy/haar straathandelsaak oornag nie;
- (h) enige struktuur vir die bied van skuiling by die plek van sy/haar straathandelsaak oprig nie, buiten in soverre dit deur die stadsbestuurder goedgekeur is;
- (i) 'n persoon se vermoë belemmer om 'n padrand te gebruik om goedere in 'n winkelluikvenster te besigtig, of sodanige goedere verberg nie;
- (j) sake doen, stelling inneem of sy/haar eiendom op 'n gedeelte van 'n openbare plek plaas in stryd met 'n teken of kennisgewing wat vir die doeleinde van hierdie verordening deur die stadsbestuurder opgerig is nie;
- (k) sy/haar eiendom of goedere in 'n luikgat, stormwaterdrein of 'n openbare toilet, bus- of taxihalte of onder 'n openbaar toeganklike boom berg nie;
- (l) straathandel beoefen nie op 'n manier wat:
 - (i) 'n steurnis veroorsaak; of
 - (ii) die oppervlak van 'n openbare plek of enige openbare of privaat eiendom beskadig of skend;
- (m) verkeer belemmer; toegang tot voetgangeroorgange, parkeer- of laaisone of ander fasiliteite vir voertuigverkeer of voetgangers versper, of 'n versoek deur 'n gemagtigde amptenaar om sy/haar eiendom en goedere te verwyder om enige werk of diens met betrekking tot 'n openbare plek moontlik te maak, ignoreer, verontagsaam of weier nie;
- (n) sy/haar goedere of eiendom op of in 'n openbare plek uitstal nie, buiten met die goedkeuring van die stadsbestuurder; en
- (o) kleefbemarking doen nie.

(2) 'n Straathandelaar sal verseker dat wanneer vloeibare petroleumgas in straathandelbedrywighede gebruik word, dit aan toepaslike standaarde en vereistes met betrekking tot die gebruik van sodanige gas voldoen.

Gedrag van 'n straathandelaar om te verseker dat handelsruimte skoon gehou word

27. 'n Straathandelaar sal gedurende die termyn:

- (a) met rommel wegdoen wat deur sy/haar saak geskep word, in watter houer ook al vir die publiek deur die stadsbestuurder voorsien of goedgekeur is, of by 'n stortingsterrein van die Stad;
- (b) nie met rommel wegdoen in 'n luikgat, stormwaterdrein of enige ander plek wat nie vir daardie doeleinde bedoel is nie;
- (c) op versoek van 'n gemagtigde amptenaar sy/haar eiendom en goedere verskuif sodat die gebied of terrein waar hy/sy sake doen skoongemaak kan word, of sodat munisipale dienste gelewer kan word, of om enige ander wettige rede;
- (d) verseker dat geen rook, walms of ander stof die lug besoedel nie;
- (e) verseker dat geen reuk of geraas vanweë sy/haar bedrywighede enige soort steurnis veroorsaak nie;
- (f) die gebied of terrein wat hy/sy vir die doeleindes van sy/haar saak beset, in 'n skoon en higiëniese toestand hou;
- (g) sy/haar eiendom in 'n skoon, higiëniese en goed onderhoue toestand hou;
- (h) in die loop van sy/haar sake tot die bevrediging van die stadsbestuurder sodanige voorsorg tref as wat nodig kan wees om te voorkom dat enige vet, olie of ghries of enige ander potensieel skadelike stof vir die algemene publiek en gebruikers van 'n openbare plek, op sodanige openbare plek of in 'n stormwaterdrein gestort word; en
- (i) verseker dat die gebied of terrein wat hy/sy vir handelsdoeleindes beset, by afhandeling van elke sakedag rommelvry is, en wel binne sekere voorgeskrewe en bepaalde tydperke.

Regulering van straathandel

28.(1) Buiten met die vooraftoestemming van die stadsbestuurder wat bepaald met betrekking tot die kompetisie bekom is, sal geen persoon gedurende die termyn—

- (a) op enige beheerdetoegangsterrein of in enige uitsluitingsone straathandel beoefen nie;
- (b) in 'n beperkte gebied straathandel beoefen nie;
- (c) in 'n tuin of park waartoe die publiek toegangsreg het, straathandel beoefen nie.

(2) Geen persoon sal straathandel beoefen nie:

- (a) in 'n verbode gebied;
- (b) op 'n padrand wat aan 'n bankoutomaat grens;
- (c) op 'n padrand wat grens aan:
 - (i) 'n gebou wat ingevolge die Wet op Nasionale Erfenishulpbronne, 1999 (nr. 25 van 1999) tot erfenishulpbron verklaar is, buiten waar spesiale toestemming ingevolge voormelde wetgewing bekom is;
 - (ii) 'n gebou wat aan die Staat of die Stad behoort, of slegs deur die Staat of Stad beset word;
 - (iii) 'n kerk of ander plek van aanbidding;

- (iv) 'n openbare plek, buiten in soverre die bedryf van sodanige saak toegelaat word deur, en plaasvind ingevolge 'n teken wat deur die stadsbestuurder opgerig of vertoon word;
- (v) 'n plek waar:
 - (aa) dit 'n ingang of uitgang van 'n gebou versper;
 - (bb) dit 'n brandkraan of ander munisipale diens versper; en
- (vi) daardie helfte van 'n openbare pad wat grens aan 'n gebou wat vir residensiële doeleindes gebruik word, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak;
- (vii) daardie helfte van 'n openbare pad wat grens aan 'n winkel of daardie deel van 'n gebou waarin daar sake gedoen word deur 'n persoon wat dieselfde soort goedere, of goedere van 'n soortgelyke aard, verkoop as die goedere wat deur die straathandelaar verkoop word, indien sodanige persoon daarteen beswaar maak;
- (viii) op 'n staanplek of enige gebied wat ingevolge artikel 6A(3)(b) van die Wet op Besighede, 1991 (nr. 71 van 1991) deur die stadsbestuurder afgebaken is, tensy hy/sy in besit is van 'n skriftelike bewys dat hy/sy sodanige staanplek of gebied van die Stad huur, of dat sodanige staanplek aan hom/haar toegeken is, terwyl hy/sy ook nie in stryd met die bepalings en voorwaardes van sodanige huurooreenkoms, permit of toekenning sal handel dryf nie; en
- (ix) binne 'n redelike afstand van enige beheerdetoegangsterrein, welke afstand deur die stadsbestuurder bepaal sal word.

Beperkte en verbode handelsgebiede

29. Die Stad kan ooreenkomstig die Wet op Besighede, 1991 (nr. 71 van 1991) of enige verordening wat informele handel reguleer, beperkte of verbode gebiede aanwys en afbaken.

Verbod op persone onder die ouderdom van sestien

30.(1) Geen persoon jonger as sestien jaar sal in of na aan 'n openbare plek straathandel beoefen nie.

(2) Enigeen wat 'n persoon na wie daar in subartikel (1) hier bo verwys word, in diens neem, nader of versoek om straathandel te beoefen of daarmee bystaan, sal hom/haar aan 'n oortreding skuldig maak.

HOOFTUK 7— DIVERSE BEPALINGS

Reg op toegang om persele te inspekteer

31.(1) 'n Gemagtigde amptenaar sal by magte wees om enige goedkeuring wat ingevolge hierdie verordening toegestaan is, aan te vra of te inspekteer.

(2) Versuim deur die eienaar of ander houër van 'n goedkeuring, om die goedkeuring aan 'n gemagtigde amptenaar te voorsien, sal ingevolge hierdie verordeninge op 'n oortreding neerkom.

Toegangsregte en—beperkings met betrekking tot beheerdetoegangsterreine

32.(1) Die reg op toegang tot en gebruik van 'n beheerdetoegangsterrein sal deur akkreditasie en kaartjie-uitreiking gereguleer word.

(2) Na gelang van die aard van die beheerdetoegangsterrein en die aard van die geleentheid wat by sodanige beheerdetoegangsterrein gehou word, sal geen persoon buiten:

- (a) 'n geakkrediteerde persoon;
- (b) 'n kaartjiehouer; of
- (c) enige ander persoon wat behoorlik gemagtig of toegelaat is om 'n beheerdetoegangsterrein te betree, toegang tot 'n beheerdetoegangsterrein verkry nie.

Opdragte deur gemagtigde amptenare met betrekking tot openbare oop ruimtes

33. 'n Gemagtigde amptenaar kan enige persoon opdrag gee om 'n openbare oop ruimte te verlaat indien:

- (a) die gemagtigde amptenaar binne redelike perke glo dat die persoon enige bepaling van hierdie verordeninge oortree; en
- (b) sodanige persoon versuim om onmiddellik in opdrag van daardie gemagtigde amptenaar sodanige oortreding te staak.

Deursoekings- en beslagleggingsmagte van die Stad op openbare paaie en met betrekking tot straathandeloortredings

34.(1) Ingevolge die Strafproseswet, 1977 (nr. 51 van 1977) en onderworpe aan enige ander toepaslike wetgewing, kan 'n gemagtigde amptenaar enige goedere, eiendom, houër, struktuur, materiaal, stof, skuiling, tent of voertuig van watter aard ook al, hetsy beman of nie, deursoek, verwyder of op beslag lê wat:

- (a) hy/sy binne redelike perke vermoed gebruik word of bedoel is om gebruik te word of reeds gebruik is vir of met betrekking tot die saak van straathandel of 'n oortreding van hierdie verordening;
- (b) in enige ongemagtigde parkeergebied gelaat of geparkeer word; of
- (c) hy/sy geparkeer of op 'n openbare plek vind, en wat na sy/haar mening op 'n oortreding van hierdie verordening neerkom, ongeag of sodanige goedere, eiendom, struktuur, materiaal, stof, skuiling, tent of voertuig ten tyde van sodanige beslaglegging of verwydering in besit of onder beheer van enige persoon is.

(2) 'n Gemagtigde amptenaar sal 'n ontvangsbewys uit 'n goedgekeurde bewysboek aan die persoon oorhandig wat in beheer van die betrokke goedere, eiendom, struktuur, materiaal, stof, houër, skuiling, tent of voertuig blyk te wees.

(3) Enige goedere, eiendom, houër, struktuur, materiaal, stof, skuiling, tent of voertuig soos in subartikel (1) bedoel, sal op 'n toepaslike manier gemerk en in veilige bewaring gehou word.

(4) Die straathandelaar op wie se goedere, eiendom, houër, struktuur, materiaal, stof, skuiling of tent ingevolge hierdie verordeninge beslag gelê

word, sal eers die bergingskoste, soos van tyd tot tyd deur die stadsbestuurder bepaal, aan die Stad betaal voordat sodanige goedere, eiendom, materiaal, stof, houer, skuiling, tent of voertuig aan hom/haar teruggegee sal word.

(5) Die eienaar van enige goedere, eiendom, houer, struktuur, materiaal, stof, skuiling, tent of voertuig waarop daar beslag gelê is, kan sy/haar eiendom/besittings opeis nadat hy/sy tot bevrediging van die stadsbestuurder bewys van eienaarskap gelewer het.

(6) Enige goedere, eiendom, struktuur, materiaal, stof, houer, skuiling, tent of voertuig wat nie binne 'n tydperk van drie maande van die datum van beslaglegging opgeëis word nie, kan vernietig word indien dit geen kommersiële waarde het nie, of kan op 'n openbare veiling verkoop word, in welke geval die Stad die opbrengs sal gebruik om enige koste en uitgawes met betrekking tot die oortreding, beslaglegging en berging te dek.

(7) Die Stad sal nie aanspreeklik wees vir skadevergoeding aan enige persoon vanweë skade aan of verlies van enige goedere, eiendom, houer, struktuur, materiaal, stof, skuiling, tent of voertuig wat ingevolge subartikel (1) verwyder is of op 'n openbare veiling verkoop is nie, en die eienaar van sodanige goedere, eiendom, materiaal, stof, houer, tent of voertuig sal geen eis of reg van verhaal teen die Stad hê indien sodanige goedere, eiendom, materiaal, stof, houer, tent of voertuig te goeder trou aan 'n persoon buiten die eienaar daarvan oorhandig is nie.

(8) Enige goedere van 'n bederfbare aard sal vir slegs 24 uur ná beslaglegging gehou word en sal daarna na die goëddunke van die stadsbestuurder mee weggedoen word.

Reg om vertoë te rig

35. Kennisgewings waarna in artikels 9(1) (a) en (b), en 10(1) en (2) verwys word, moet—

- (a) meld op watter datum nakoming vereis word;
- (b) die persone wat deur sodanige kennisgewing geraak word, 'n geleentheid bied om vertoë te rig nie later nie as 'n datum wat in die kennisgewing gespesifiseer word; en
- (c) die aanvangsdatum van die kennisgewing meld.

Oortredings en boetes

36. Enige persoon wat:

- (a) enige bepaling van hierdie verordeninge oortree of versuim om daaraan te voldoen;
- (b) enigiets hoegenaamd doen, laat doen, toelaat of duld wat in stryd is met of anders is as die bepalings van hierdie verordeninge; of
- (c) nalaat of versuim om enigiets te doen, of toelaat of duld dat enigiets ongedaan bly, wat volgens die ware bedoeling en betekenis van hierdie verordening ingevolge die tyd- en prosedurebepalings hierin vervat gedoen moet word; of
- (d) enige stand van sake in stryd met hierdie verordening wetens goedkeur of toelaat of laat voortduur; of
- (e) nie enige optrede staak wat hy/sy ingevolge hierdie verordening moet staak nie; of
- (f) versuim, weier of nalaat om te voldoen, of voortdurend versuim, weier of nalaat om te voldoen, selfs nadat oortredingskennisgewings of die nodige aanmanings ingevolge hierdie verordening uitgereik is; of
- (g) versuim om te voldoen aan enige kennisgewing, direktief of voorwaardes vervat in enige lisensie wat deur die stadsbestuurder uitgereik is; of
- (h) 'n gemagtigde amptenaar dwarsboom in die uitvoering of verrigting, of poging tot uitvoering of verrigting, van enige plig van sodanige gemagtigde amptenaar as deel van die uitoefening van enige bevoegdheid wat ingevolge hierdie verordening verleen word,

is skuldig aan 'n oortreding, en by skuldigbevinding strafbaar met 'n maksimum boete van tienduiseend rand (R10 000,00) of, by niebetaling, tronkstraf vir 'n maksimum tydperk van ses (6) maande, of albei, en in die geval van 'n voortdurende oortreding, 'n verdere maksimum boete, by niebetaling, tronkstraf vir 'n verdere tydperk, vir elke dag wat sodanige oortreding voortduur nadat 'n skriftelike kennisgewing wat op die staking van sodanige oortreding aandrang, deur die stadsbestuurder uitgereik en aan die betrokke persoon beteken is.

Delegasie van bevoegdhede

37.(1) Die stadsbestuurder kan enige van sy/haar magte en pligte ingevolge hierdie verordening aan enige amptenaar van die Stad deleger.

(2) Enige verwysing na die stadsbestuurder in hierdie verordening sal beskou word as 'n verwysing na die amptenaar aan wie die betrokke bevoegdheid deleger is.

HOOFSTUK 8—SLOTBEPALINGS

Kort titel

38. Hierdie verordening staan bekend as die Stad Kaapstad: Verordeninge op die 2010 FIFA Wêreldbeker Suid-Afrika, en sal vir die duur van die termyn van krag wees.

BYLAE

TERMYN

1. Finale Trekking—13 November 2009 tot 12 Desember 2009; en
2. Wêreldbeker—21 April 2010 tot 19 Julie 2010.

ISIXEKO SASEKAPA**UMTHETHO KAMASIPALA WEMIDLALO YENDEBE YEHLABATHI YEFIFA KA-2010****OKUQULATHIWEYO**

Inombolo yebinja nenkcazelo yalo

1. ISAHLUKO 1—AMALUNGISELELO OKUTSHAYELELA
2. ISAHLUKO 2—IMIQATHANGO ENGUNDOQO: IINTENGISO
3. ISAHLUKO 3—IMIQATHANGO ENGUNDOQO: IINDAWO EZIPHANTSI KOLAWULO OLUNGQONGQO
4. ISAHLUKO 4—IMIQATHANGO ENGUNDOQO: UKUHONJISWA KWAMABALA OLUNTU NESIXEKO
5. ISAHLUKO 5—IMIQATHANGO ENGUNDOQO: IINDLELA ZIKAWONKEWONKE NESIKHOKELO SEZENDLELA
6. ISAHLUKO 6—IMIQATHANGO ENGUNDOQO: URHWEBO ESITALATWENI
7. ISAHLUKO 7—AMALUNGISELELO ANGAMANYE
8. ISAHLUKO 8—IZIBONELELO ZOKUGQIBELA
9. ISHEDYULI

IMBULAMBETHE**NOXA:**

ICandelo 156(1) loMgaqo-siseko linika iSixeko amandla namagunya okwenza imithetho kamasipala ukufezekisa ulawulo kuloo mibandela sinamalungelo okuyilawula;

ISixeko saseKapa, nanjengokuba siza kuba sesinye sezixeko ekuza kubanjelwa kuso imidlalo yehlabathi ka-2010 siqwenela ukwazisa ngokwamkelwa kwaso imithetho kamasipala ethile ukuqinisekisa ukuba inkqubo yemidlalo ngexesha loKhuphiswano eKapa iya kuqhuba ngempumelelo;

UKUSUSELA NGOKU UMISELWE siSixeko saseKapa ngolu hlobo lulandelayo:—

ISAHLUKO 1 – AMALUNGISELELO OKUTSHAYELELA**Inkcazelo yamagama**

1. Kulo Mthetho kaMasipala la magama alandelayo anezi ntsingiselo zilandelayo, ngaphandle kokuba kuchazwe ukuba akunjalo—

“uqinisekiso” oku kuthetha uqinisekiso ngokweNkqubo yoqinisekiso ebizwa ngokuba yiAccreditation Systems and Procedure Annex;

“iNkqubo yoqinisekiso iAccreditation Systems and Procedure Annex” ithetha iinkqubo zoqinisekiso zeFIFA eziza kusebenza ngexesha loKhuphiswano;

“Intengiso” ithetha imiboniso ngokusebenzisa iimpawu ezithile, imiqondiso, izinto, iimpawu, iisimboli okanye nayiphi into esendaweni kawonkewonke okanye ebonakalayo eluntwini jikelele, equka leyo isesitalatweni okanye ezindaweni ezingaphantsi okanye ezijinga ezibhulorhweni, ezakhiweni eziquka imibhalo esibhakabhakeni, esetyenziselwa ukuthengisa izinto okanye ukugqithisa ulwazi ngezinto ezithengiswayo;

“ukuthengisa” kuthetha inkqubo yokwazisa, ukulumkisa, ukwazisa, ukubonisa, ukunika ulwazi ngemiboniso okanye ngenetho yomlomo;

“isixhobo sentengiso” siso nasiphi isakhiwo esimiselwe emhlabeni okanye into ebekelwe ukubonisa uphawu okanye ibhodi enkulu yeentengiso okanye ekuqagamshele kuyo uphawu okanye ibhodi enkulu yeentengiso;

“ukuthengisa ngokunqoloba” kuthetha ukuthengisa, ukunyusa, ukwazisa ngento okanye ngezinto ngamagama, ngesandi ngokuthe ngqo nangokungathanga ngqo ngokuphathelene noKhuphiswano, okanye iintshukumo ezizayamanisa noKhuphiswano ngenjongo yokwenza inzuzo okanye ukunyusa izinto zayo, nto ezo zisenziwa ngumntu ongafumenanga mvume yakunyusa mbutho kuFIFA;

“ungcoliseko lomoya” oku kuchaziwe kuMthetho ongomgangatho womoya weSizwe (uMthetho Nomb. 39 ka-2004) obizwa ngokuba yiNational Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);

“imvume” oku kuthetha imvume efunyenwe kwiSixeko kuquka igosa eligunyazisiweyo, yaye **“ukwamkela”** kunentsingiselo ehambelana nale;

“igosa elugunyazisiweyo” ngumntu ogunyaziswe ukuba afezekise amalungiselelo alo Mthetho kaMasipala, kuquka, kambe kungaphelelanga –

- (a) kumagosa oxolo njengoko kwandlalwe kwicandelo 334 loMthetho wotshutshiso loLwaphulo-mthetho (uMthetho Nomb. 51 ka-1977) obizwa ngokuba yiCriminal Procedure Act, 1977 (Act No. 51 of 1977);
- (b) kumalungu eNkonzo yaMapolisa oMzantsi Afrika okanye aMapolisa eSixeko njengoko kwandlalwe njalo kuMthetho weNkonzo yaMapolisa oMzantsi Afrika (uMthetho Nomb. 8 ka-1995) obizwa ngokuba yiSouth African Police Services Act, 1995 (Act No. 8 of 1995); okanye;
- (c) abasebenzi, iiarhente, abathunywa abathile, abameli abathile okanye ababoneleli ngeenkonzo beSixeko ngokokugunyaziswa kwabo siSixeko ngolu hlobo;

“ibhilibhodi” ngumfanekiso omkhulu, ibhodi okanye uphawu olume ngezixhaso ezisenokuba nemibhalo yesandla, imizobo yesandla okanye ipeyintwe ngesandla, incanyatheliswe amaphepha, isayiniwe, incanyatheliswe ngevinayili okanye ngeplastiki okanye igqunywe, encanyatheliswe okanye yabhalwa ngezi ndlela zikhankanyiweyo ngentla, nezinkqubo nemiboniso yezinto ezithile ekundlela leyo yentengiso yezinto eluntwini;

“oosolayisensi abaneempawu ezizodwa” aba nguye namphi umntu, ongenandibaniselwano neFIFA, ongemxhasi weMidlalo yeHlabathi yeFIFA ngezimali okanye ongemxhasi kuzwelonke, onikwa ilungelo lokubeka iimpawu zolu Khuphiswano ezintweni ezimayela nalo zinophawu lorhwebo lomntu lowo;

“amalungelo okusasaza” kuthetha ilungelo lokusasaza, ukugqithisa ulwazi, ukubonisa imiboniso, ukwenza ifilimu nokufota ngexa kuqhuba uKhuphiswano, kwanokurekhodisha konke okuphathelene noKhuphiswano okanye inxalenye yalo, nangaluphi uhlobo nakuyo yonke amajelo nemithombo yeendaba;

“abanamalungelo okusasaza” abo ngabantu abafumene imvume naluphi uhlobo lwamalungelo okusasaza ngqo okanye ngokungathanga ngqo kwiFIFA;

“ISixeko” siSixeko saseKapa esasekwa ngokusesikweni ngokoMthetho weziseko zooMasipala kuRhulumente woMmandla (uMthetho Nomb. 117 ka-1998) obizwa ngokuba yiLocal Government: Municipal Structures Act 1998 (Act No. 117 of 1998);

“Umlawuli weSixeko” ngumntu obekwe njengoMlawuli weSixeko ngokwecandelo 82 loMthetho weziseko zooMasipala kuRhulumente woMmandla (uMthetho Nomb. 117 ka-1998) obizwa ngokuba yiLocal Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“umphakamo ocacileyo” ngowona mphakamo usuka emhlabeni, endleleni, okanye loo nto iyiyo ngelo xesha, obekwe ngaphantsi kophawu olubekiweyo;

“umxhasi kwezorhwebo” ngulowo ukwindibaniselwano neFIFA, umxhasi ngezimali weFIFA, umxhasi wesizwe kunye nosolayisensi oluhlobo;

“Ukhuphiswano” yiMidlalo yeHlabathi yaseMzantsi Afrika ka-2010 emiselwe ukuba isungulwe ngomhla we-11 kuJuni iye kuphethwa ngomhla we-11 kuJulayi kunyaka ka-2010 kwiRipabhlikhi yoMzantsi Afrika, phantsi kolawulo lweFIFA, oluquka yonke imidlalo kunye nemicimbi eyodwa esesikweni;

“Iimpawu zokhuphiswano” zithetha oku—

- iemblemu esesikweni;
- naliphi ikhubalo elisesikweni loKhuphiswano;
- nayiphi iposta esesikweni yoKhuphiswano;
- naziphi iidizayini eziphathelene noKhuphiswano;
- imiboniso yembasa okanye ikhaka leMidlalo yeHlabathi yeFIFA;
- nayiphi imihombiso neempawu ezingokhuphiswano njengokuba zishicilelwe kuMthetho Nomb. 194 ka-1993 obizwa ngokuba yiTrade Marks Act, 1993 (Act No.194 of 1993);

“Iindawo ezinolawulo olungqongqo” zezinye zezi—

- iindawo ekubanjelwa kuzo imidlalo, kubandakanya amabala;
- iindawo ekubanjelwa kuzo imisitho esesikweni;
- naziphi ezinye iindawo ekungenwa kuzo ezilawulwa ngoqinisekiso olungqongqo;
- amaziko oqinisekiso;
- iindawo zokuzilolongela;
- iihotele zamaqela;
- iihotele ezikhonjelwe abathunywa beFIFA;
- iindawo zeFIFA ezilungiselelwe abaza kubukela; kunye
- Nayiphi indawo esesixekweni saseKapa ecandelwe imidlalo nekhonjwe ukuba iyindawo ekungenwa ngolawulo kuyo ebandakanya zonke ezinye iindawo ezibekelwe bucala esixekweni;

“iindawo ezinemida” ezi ziindawo ezithile apha endleleni ezikhonjelwe ukuba kupakwe kuzo izithuthi ngokusemthethweni;

“Indawo ekhethekileyo” le yindawo elapha ngaphandle xa kanye uphuma ebaleni nesikwe njalo ngokwemiqathango yeSixeko ibandakanya nezinye ezizodwa;

“IFIFA” ithetha Fédération Internationale De Football Association engumbutho weHlabathi webhola ekhatywayo;

“Abathunywa beFIFA” ngexesha loKhuphiswano olu, abathunywa ngaba balandelayo—

- abaqeshwa beFIFA nabaqeshwa beenkampani zonke eziphantsi kweFIFA;
- amalungu eekomiti ezisesikweni zangaphakathi zeFIFA;
- iindwendwe zeFIFA; kunye
- nabo bonke abo bachongwe yiFIFA njengabathunywa bayo;

“iipaki zababukeli zeFIFA” ziindawo zababukeli eziza kusekwa siSixeko phantsi kwemiqathango nezikhokelo zeFIFA;

“Umbutho olilungu leFIFA” nguwo nawuphi umbutho ozimanye neFIFA;

“ihlakani leFIFA” ngumntu onikwa owona mthamo mkhulu wamalungelo okuzithengisa yiFIFA;

“Umxhasi wezimali weMBasa yeHlabathi yeFIFA” ngumntu onikwa umthamo ongeneno wamalungelo okuzithengisa yiFIFA;

“utsalo lokugqibela lothelekiso” luthetha umsitho osesikweni wokutsalwa kwamaqela kuKhuphiswano olu nekuthi kuwo imibutho engamalungu yabelwe emaqeleni ayo;

“izinto/iimpahla” zizinto ezibonisiweyo okanye ezikumthengisi wasesitalatweni azigcinele ukushishina ngazo;

“indlela enqamlezayo” yilo ndlela ichazwe kumthetho weSizwe wezendlela (uMthetho Nomb. 83 ka-1996) obizwa ngokuba yiNational Road Traffic Act, 1996 (Act No. 93 of 1996);

“inkunkuma” yiyo nayiphi into okanye inkonkxa okanye itoti, nayiphi enye into elahlwe nje esithubeni okanye eshiywe endaweni ethile;

“i-LOC” yiKomiti yoQuquzelelo lweMidlalo yeHlabathi ka-2010, nengumbutho ophantsi kweCandelo 21 loMthetho weeNkampani (uMthetho Nomb. 61 ka-1973) obizwa ngokuba yiCompanies Act, 1973 (Act No. 61 of 1973) (inombolo yobhaliso ithi: 2005/029945/08);

“abahlali” ngabahlali abahambe yonke indawo ephantsi kolawulo lweSixeko, yaye baquka iindwendwe ezize kukhuphiswano olu;

“amalungelo okuzithengisa” ngawo nawaphi amalungelo eentengiso, ukuzibhengeza, ukubonisa ngempahla yokurhweba, ifrentshayizi, ukuxhasa ngezimali, ezabahambi, ezoshicilelo okanye amathuba orhwebo anxulumene noKhuphiswano olu ngaphandle kwalawo anikwe amajelo eendaba/osasazo;

“umdlalo” ngumdlalo webhola ekhatywayo oqhubayo ngelo xesha kuquka ixesha elongeziweyo, ukukhatywa kweepenalti kuquka nemidlalo yokuziqhelanisa ngokunjalo naloo midlalo ilibazisekileyo okanye iqale emva kwexesha ebelimisiwe, exhonyiweyo kunye nephindiwayo;

“amajelo osasazo” ngabo bonke abangamalungu emithombo yeendaba ezibhalwayo, abafoti ne-elektronikhi, yaye beqinisekisiwe ukuba banjalo;

“amalungelo amajelo eendaba” oku kuthetha ilungelo lokusasaza, ukugqithisa ulwazi, ukubonisa imiboniso, ukwenza ifilimu nokufota ngexa kuqhuba uKhuphiswano, kwanokurekhodisha konke okuphathelele noKhuphiswano okanye inxalenye yalo, nangaluphi uhlobo nakuwo onke amajelo nemithombo yeendaba;

“umxhasi kazwelonke” ngumntu onikwa iwonga eliqulethe amalungelo okuzithengisa, malungelo lawo asebenza kuphela eMzantsi Afrika;

“isaziso samaphephandaba” kuthetha isaziso esishicilelwe ngeelwimi ezintathu kumaphephandaba eSixeko;

“inkathazo” ibhekisa—

- (a) kumfula, ichibi, umgxobhozo, umsele, umjelo, umlanjana, itanki lamanzi asethoyilethi, umzi wangasese, idreyini, imibhobho ehambisa ilindle, uthuthu, ubulongwe okanye nayiphi into eyekwe yamdaka neyakihiwe ngendlela eyenza ibe kwimo enganyamezelekiyo okanye enokuba yingozi empilweni yabantu;
- (b) isitali samahashe, ubuhlanti, ishedhi, isibaya okanye indawo egcina izilwanyana okanye iintaka eyakhiwe kakubi, esetyenziswa okanye egcinwe kwimo engathandekiyo okanye engayingozi empilweni yabantu;
- (c) inkunkuma eyingqumba, amathumbu nobulongwe okanye nayiphi into engathandekiyo emdaka nengayingozi empilweni yabantu;
- (d) nasiphi isakhiwo esimi, esakhiwe, esisetyenziswa okanye esigcinwe ngendlela engayingozi empilweni yabantu;
- (e) nayiphi indawo yokuhlala engenasibonelelo samanzi saneleyo nacocekileyo ekufutshane;
- (f) nayiphi ifektri okanye mzimveliso okanye ndawo yoshishino engagcinwanga cocekileyo nengenamavumba aphuma ezidreyinini, thoyilethi okanye nakwiyiphi indawo engangeni moya nenokuthi ngolo hlobo ikhuphe iigesi, imiphunga, uthuli okanye ukungcola, okanye enokuthi ngenxa yokugcwala kakhulu, ukungabi nakukhanya ngokwaneleyo, okanye moya waneleyo ibe yingozi empilweni yabo baqeshwe kuyo;
- (g) nayiphi ifektri okanye umzimveliso okanye indawo ekushishinelwa kuyo ekhupha amavumba amabi okaye iigesi ezinukayo ezinokuba yingozi empilweni yoluntu;
- (h) nawuphi umhlaba ogcinwe okanye oyekwe wakwimo yokungathandeki;
- (i) nayiphi into eyenziwayo, imeko okanye into ebonwa njengenkathazo nguMphathiswa ngokwemiqathango nemimiselo ekuMthetho wezeMpilo (uMthetho Nomb.63 ka-1977) obizwa ngokuba yiHealth Act, 1977 (Act No. 63 of 1977);
- (j) nayiphi into okanye imeko ephazamisana—
 - (i) nempilo okanye ubume bomntu okanye uluntu jikelele;
 - (ii) nosetyenziso nokuzonwabisa komninindawo endaweni yakhe;
 - (iii) nosetyenziso nokuzonwabisa komhlali endaweni yoluntu lonke okanye kawonkewonke;

“iemblemu esesikweni” ithetha ilogo esesikweni okanye isixhobo esisemthethweni esimayela nokhuphiswano;

“imisitho esesikweni” ithetha imicimbi yombutho, eyenkubeko, imisitho kunye notsalo lwamaqela olubanjwe yi-LOC okanye iFIFA ephathelene noKhuphiswano;

“indawo esesikweni yokuzilongela” ithetha indawo ephantsi kolawulo lweSixeko ekhethelwe ukubambela naluphi uqeqesho okanye ulolongelo oluphathelele noKhuphiswano lwamaqela kuquka iindawo ezikufutshane, iindawo zokupaka, iindawo zabeendaba, amabala, izibiyeli neentango, zonke eziphantsi kolawulo lweSixeko;

“umnini” ngokuphathelele nophawu luquka umninindawo okanye umntu oqeshise ngendawo yokubonisa iintengiso okanye oqeshisa ngendawo leyo xa sele ibekiwe kunye nawuphi omnye umntu onelungelo lokufumana isabelo sobunini okanye uqeshiso lwesixhobo eso kwenziwa ngaso intengiso;

“Umbutho othatha inxaxheba” uthetha nawuphi umbutho olilungu leFIFA oqela lawo linelungelo lokuthatha inxaxheba kuKhuphiswano;

“umntu” ngokwasemthethweni oquka umntu nje odaliweyo, indibaniselwano, ifemu, ishishini, itrasti, indibaniselwano yeenkampani, inkampani okanye iqumrhu loshishino;

“iindawo” sisiza, istendi, umhlaba iploti, indawo ekulinywa kuyo, indawo ethile, ifama okanye indawo efana naleyo okanye nasiphi isakhiwo nayiphi imisebenzi yokuyilungisa indawo leyo ebhaliswe encwadini yezemihlaba;

“indawo ekuthintelweyo ukungena kuyo” ngokuphathelele noshishino lwesitalatweni, ithetha ukuba yindawo echazwe ngokwecandelo 6A(2) loMthetho wezamashishini (uMthetho Nomb. 71 ka-1991 obizwa ngokuba yiBusinesses Act, 1991 (Act No. 71 of 1991) ekungavunyelwanga kuyo ukuba kuthengiswe nto;

“ipropati” ngokubhekisele emntwini oqhuba orhwebela esitalatweni, nantoni na okanye nasiphi isithuthi okanye nantoni ayisebenzisela ukushishinela esitalatweni;

“intengiso yasesidlangaleni” oku kuthetha ukusebenzisa izibane neepali zombane, umhlaba weentengiso ezakhiweni ezinabanini, eziqeshiweyo neziphantsi kolawulo ngqo lweSixeko;

“indawo kawonkewonke” ithetha—

- (a) nayiphi indawo kawonkewonke, isikwere, amachibi okuqubha kawonkewonke, iindawo zokuphumela nokuzonwabisa, ezinezilwanyana, ezinezityalo okanye iigadi zikarhulumente, iipaki, iindawo ezivulekileyo, iindlela, iindlela ezisikelwe bucala, izitalato ezibucala, amachweba, amadama okanye umlambo;
- (b) nasiphi isakhiwo sikarhulumente, iholo, igumbi okanye iofisi nayiphi enye indawo enxulumene nezi eyipropati okanye elawulwa okanye eqeshiswe siSixeko enokusetyenziswa luluntu jikelele, nokuba kuyahlawulelwa ukungena okanye kuyisebenzisa;

(c) nayiphi indawo yolondolozo lwendalo equka—

- (i) indawo yolondolozo lwendalo;
- (ii) iindawo ezikhuselweyo zendalo;
- (iii) iindawo ezifanelwe kukulondolozwa;
- (iv) iindawo ezivulekileyo nje;

“indlela kawonkewonke” ithetha isikwere, isitalato, iavenyu, indlela, indlela ebucala yeenyawo, indlela ehamba ngaphantsi, ibhulorho, umchankatho nayiphi indawo ekuhanjwa kuyo ekhoyo eplanini yelokishi okanye indawo yoluntu karhulumente enikwe imvume nechazwe ngokupheleleyo kuMthetho weSizwe wezeNdlela (uMthetho Nomb.93 ka-1996) obizwa ngokuba yiNational Road Traffic Act, 1996 (Act No. 93 of 1996);

“ulonwabo” okanye **“ukuzonwabisa”** kuthetha nayiphi into okanye indlela yokuzonwabisa;

“indawo ephantsi kolawulo” ngokuphathelele norhwebo esitalatweni, ithetha indawo echazwe ngokwecandelo 6A(2) loMthetho wezoShishino (uMthetho Nomb. 71 ka-1991) obizwa ngokuba yiBusinesses Act, 1991(Act No. 71 of 1991) ukuba ibe yindawo ekungavunyelwanga ukuba kuthengiselwe kuyo;

“iSIFA” nguMbutho webhola ekhatywayo eMzantsi Afrika (South African Football Association);

“isicwangciso sokhuselo nokhuseleko” esi sisicwangciso sokhuselo sokhuseleko esiza kufezekiswa siSixeko ngexesha kuqhuba uKhuphiswano;

“iinkonzo” ziquka nantoni esetyenziselwa ukufumana inzuzo okanye umvuzo;

“Uphawu” luthetha oku—

(a) nayiphi indlela yokubonisa imibhalo, iileta, amanani, imifanekiso, izinto, iimpawu ezingoKhuphiswano, amafoto, iisimboli nemiqondiso, kuquka kambe kungaphelelanga kwezo zinto zixhonywe ezakhiweni okanye ezibonise emoyeni kusetyenziswa iteknoloji yale mihla, sixhobo eso esiza kubonwa luluntu okanye esiza kujinga endaweni ehamba abantu, ngenjongo yokwenza intengiso, ukunika ulwazi, ukunqoloba intengiso okanye ukutsala umdla wabantu ukuba baye endaweni ethile ukuya kuthenga kwanokuba uphawu olo luncanyathelise esakhiweni okanye luyinxalenye yesakhiwo okanye luxunyekwe emhlabeni, epalini, emthini, eskrinini, lubiyelwe ngamaplanga, emntwini, esithuthini okanye nakweyiphi enye into ethe zinzi okanye emileyo; okanye

(b) nayiphi indlela yokubonisa imibhalo, iileta, amanani, imifanekiso, izinto, iimpawu ezingoKhuphiswano, amafoto, iisimboli nemiqondiso ebonise okanye esasazwe ngenye indlela equka kambe ingaphelelanga kwiimpawu zokhuseleko, ezeetreyila, ezisezindongeni, ezingokhenketho, ezisezifstileni, ezisezakhiweni, ezisemoyeni, ezingolwakhiwo nophuhliso, ezingobonelelo lweenkonzo, ezingeeprojekthi zezendlela, ezingezibonelelo ezikwindawo ethile, ezingeebhulorho nezakhiwo eziphakamileyo, eziphakathi kwamasango endawo zamashishini, ezingeendawo zokuhlala ezithengiswayo, ezibhalkhoni, eziveranda, ezingamaqumrhu oluntu nakarhulumente, ezingabathengisi bomhlaba, ezinge-elktroniki, ezingothengiso lwezinto nezilwanyana, ezincanyathelise ezithuthini, eziphethwe ngezandla, iibhena, ezisempahleni enxitywayo, eziseminqwazini, kwiikhostyumu, eziflegini, kwiibhena zababukeli nezikwiibhulbodi, kodwa zonke ezi zingazibandakanyi iimpawu zeendlela nemiqondiso yendlela namagama ezitalato zeSixeko;

“umsitho owodwa” yipharedi, umngcelele, umdyarho, ikonsathi, umboniso, imbhiyozo, ifilimu, ukufota okanye nayiphi enye into efana neentshukumo zokuzonwabisa ngezemidlalo, inkcubeko, nto ezo ezidinga ukuba kusetyenziswe iindawo zoluntu ezijonge ngurhulumente okanye isisixeko;

“ibala” sithetha ibala esikumhlaba ophantsi kweSixeko esiza kusetyenziselwa iimfuno zoKhuphiswano, eziquba iindawo ezibiyelweyo, phezu (emoyeni) kwebaleni, zonke iindawo zokupaka, iindawo zokuhlalisa nokonwabisa abantu, iindawo zabeendaba, nezibonise ngezorhwebo noshishino;

“ifenitshala yesasitalatweni” naluphi uhlobo lwefenitshala ebekwe siSixeko okanye egameni leSixeko endaweni kawonkewonke;

“umthengisi esitalatweni” ngumntu othengisa izinto esitalatweni, ohambahambayo ethengisa esitalatweni—

(a) umntu ozithengiselayo, oiyarhente, umncedisi, oqeshiweyo, umqeshi oqhubela ishishini lakhe esitalatweni okanye owenza into eyayanyaniswa noko; kunye

(b) nomntu oqeshe isitendi phantsi kweSixeko. Esaqhubela ushishino lwakhe esitalatweni apho;

“urhwebo esitalatweni” kuthetha ukuthengisa nantoni esithubeni;

“iqela” naliphi iqela elimele umbutho othatha inxaxheba (Participating Member Association) ophumeleleyo ugqatso lokuba yinxalenye yolu Khuphiswano. Xa kusetyenziswa igama elithi “iqela” kuya kube kubhekiswa kuwo onke amalungu eqela okanye eskwati nabaqeqeshi ngokunjalo njengoko kubekiwe kumqulu weMimiselo ka-2010 kubandakanya nabazempilo kunye nabancedisi;

“ihotele yeqela” le yihotele okanye nayiphi indawo eyodwa yokuhlala elungiselelwe iqela ephantsi kolawulo lweSixeko;

“isithuba/ixesha” eli lixesha elichaziweyo kwishedyuli;

“itikiti” bubungqina obubonakalayo bokuba lowo othenge itikiti unelungelo lokungena ebaleni abukele umdlalo othile okanye azimase umsitho othile osesikweni woKhuphiswano ukuze ahlale nasesihlalweni esibhalwe etikitini ehamba ngokwemiyalelo nemiqathango nemithetho esebenzayo ngelo xesha, yaye **“utikito”** lunezi ntsingiselo zilandelayo;

“umphathi-tikiti” ngumntu ophethe itikiti onelungelo lokungena ebaleni abukele umdlalo othile yaye ahlale esihlalweni esibhalwe etikitini;

“indawo engafuni tikiti” le yindawo echazwe kwicandelo 1 kuMthetho wamanyathelo awodwa ezemidlalo ka-2010 obizwa ngokuba yi2010 FIFA World Cup South Africa: Special Measures Act, 2006 (Act No. 11 of 2006);

“udini okanye umda” ngumda okanye udini olusikwe ngokoMthetho weSizwe wezendlela (uMthetho Nomb. 93 ka-1996) obizwa ngokuba yi National Road Traffic Act, 1996 (Act No. 93 of 1996); yaye

“inkunkuma” zizinto ezilahliweyo kambe zingaphelela kwezo zishiywe ngabantu, ezaphukileyo, eziphelelweyo, eziphelileyo, ezingcolileyo okanye ezigcinelwe ukuba zitshitshiswe, zibuye zisetyenziswe okanye zilandwe ngabantu bazo okanye zihlaziywe ze zisetyenziswe ngokutsha.

Usetyenziso loMthetho kaMasipala

2. (1) Ukuba kulo Mthetho kaMasipala kuye kwabhekiswa kumthetho omiselweyo, kuya kusetyenziswa loo umthetho nemiqathango ephantsi kwawo ukususela kumhla wokwamkelwa nokusayinwa kwalo Mthetho kaMasipala njengoko ulungisiwe okanye usetyenzisiwe kumaxesha ngamaxesha.

(2) Ukuba kunokwenzeka ukuba kubekho ungquzulwano phakathi kwemimiselo yedolophu ekhoyo kunye nalo uMthetho kaMasipala, kuya kusetyenziswa wona lo.

Injongo yoMthetho kaMasipala

3. Injongo yalo Mthetho kaMasipala kukulungiselela ukuba iSixeko, ngexesha lemidlalo—

- (a) Sikwazi ukulawula intengiso;
- (b) Ukulawula iindawo eziphantsi kolawulo olulodwa ezibizwa ngokuba ziiControlled Access Sites;
- (c) Ukulawula imicimbi ethile yohlobo olulodwa kwanokulawula nokujongana nococeko lweendawo ezivulekileyo eluntwini okanye iindawo zikawonkewonke;
- (d) Lamkele izikhokelo zemigaqo okanye zezendlela, amanyathelo olawulo, oko kuquka nokulungiselelwa kwabasebenzisi beendlela ngalo lonke lwazi olubalulekileyo olufana, noluquka, kambe lungaphelelanga kulwazi malunga novalo okanye ukucingeleka kovalo lweendlela ezithile ngamaxesha athile, ezigwegwelezayo, iindawo zokupaka, iindawo ezikhululekileyo ezingenamiqathango, ze apho kukho indlela, izikhombisi zezindlela ezifanelekileyo ezisuka emabaleni nasemicimbini eyodwa esesikweni ukuqinisekisa ucwangco nokuhamba kakuhle kweemoto; kunye
- (e) Nolawulo loshishino ezitalatweni.

ISAHLUKO 2—IMIQATHANGO ENGUNDOQO: IINTENGISO

Usetyenziso nolwamkelo

4. Kwesi Sahluko ulwamkelo luthetha ukwamkelwa ngokoMthetho kaMasipala weSixeko saseKapa: UMthetho kaMasipala wentengiso ngaphandle kwamasango nosetyenziso lweempawu kushicilelwe kwiPhepha likaRhulumente, iGazethi yePhondo ebizwa ngokuba yiProvincial Gazette Extra-Ordinary 5801 yangomhla wesihlanu (5) kuDisemba ka-2001 okanye nawuphi omnye uMthetho kaMasipala omiselweyo ukuthatha indawo yalowo.

Intengiso nezibhengezo-ntengiso ezingekho mthethweni (ngokunqoloba)

5.(1) Ilungu leNkonzo yamaPolisa eNqila linakho ukunyanzelisa imigaqo yoMthetho ojongene neeNtengiso iMerchandise Marks Act, 1941 (uMthetho onguNomb.17 ka-1941), ngokuphathelelene namagunya omhloli okulwa nentengiso yokunqoloba—

- (a) ngexesha lokutsalwa kwamaqela athelekiswayo kwityeli lokugqibela nakwiveki yokugqibela kanye phambi kothelekiso olo nakweyokuqala kanye emva kothelekiso okanye idro yokugqibela;
- (b) ngexesha loKhuphiswano nakwisithuba seeveki ezimbini phambi komdlalo wokuqala nakwiiveki ezimbini emva komdlalo wokugqibela;
- (c) kwezi ndawo zilandelayo—
 - (i) kwindawo eziphantsi kolawulo olungqongqo yaye ekungayi kungena nabani kuyo (Controlled Access Site);
 - (ii) kwisithuba sekhilomitha ukusuka kwindawo ekubanjelwe kuyo idro yokwaba amaqela okanye ebaleni okanye kuloo ndawo isikwe nguMlawuli weSixeko;
 - (iii) kwisithuba sekhulu leemitha (100m) lendawo elungiselelwe ababukeli yiFIFA (FIFA fan park) okanye leyo isikwe nguMlawuli weSixeko; kunye
 - (iv) nakweyiphi indawo ebonakalayo eluntwini esuka endleleni esikwe nguMlawuli weSixeko eyibonisa ngemiqondiso, iimpawu ezithile ezikhokelela endaweni ekuza kubanjelwa kuyo idro yokugqibela okanye ebaleni, naphakathi kweekhilomitha ezimbini ukusuka kwindawo yedro okanye ebaleni, konke oko ngokokumiselwa nguMlawuli weSixeko.

(2) Nangona kukho inkcaso kwimihlathi (a), (b) no-(c) yecandelwana (1), akukho nto iqulethwe kulo Mthetho kaMasipala iya kuthoba amagunya anikezelwe ilungu leNkonzo yamaPolisa eNqila phantsi koMthetho oyi-Merchandise Marks Act, 1941 (uMthetho onguNomb. 17 ka-1941).

(3) Akukho mntu uya kuthi engafumenanga mvume kuMlawuli weSixeko nangokomthetho wolawulo lweSixeko enze intengiso yezinto okanye ngemijelo yomoya—

- (a) Ngexesha ledro yokugqibela nakangangesithuba seeveki ezimbini ezandulela idro yokugqibela;
- (b) Ngexesha loKhuphiswano nakwisithuba seeveki ezi 15 ezandulela kanye umdlalo wokuqala kunye neeveki ezi 5 kanye emva komdlalo wokugqibela,
- (c) kwezi ndawo zilandelayo—
 - (i) kanye ngaphandle nakwiindawo ezingqonge izikhululo zeenqwelomoya;
 - (ii) phakathi nakufutshane nezikhululo zoololiwe nakwiindawo ezingqongileyo;
 - (iii) kungama wombindi wesithili soshishino sommandla ophantsi kweSixeko okanye osikwe nguMlawuli weSixeko;
 - (iv) Nakwiindlela ezingundoqo ezisuka esikhululweni senqwelomoya nezikhululo zololiwe ukuya embindini wesithili soshishino esiphantsi kweSixeko nasebaleni.

(3) Akukho mntu uya kuthi kwesi sithuba semidlalo okhe, amise, asasaze okanye abonise isayini okanye ibhilbhodi kwindawo ephantsi kolawulo olungqongqo (Controlled Access Site) ngaphandle kwemvume ebhaliweyo yoMlawuli weSixeko namvume leyo enikelwe kuphela isizathu solu Khuphisano.

Ukhuselo

6. Akukho mntu uya kumisela, kuhambisa okanye kubonisa luphawu, bhilbhodi okanye nto yakwenza nentengiso kumhlaba oza kube usikelwe ukuba uphantsi kolawulo olulodwa lokungena—

- (a) neya kukhangeleka neza kwenza ingozi emntwini okanye epropatini;
- (b) nevalela okanye ephazamisa abaqhubi bezithuthi neya kwenza ukuba bangaqhubi ngokukhuselekileyo;
- (c) eya kukhanyiswa ngendlela eya kuphazamisa amehlo abantu abahamba ngeenyawo okanye abaqhubi;

- (d) eya kuncanyatheliswa ezimpawini nakwimiqondiso yendlela;
- (e) eya kuthi idibene nomqondiso wendlela okanye uphawu lwendlela isithe uphawu okanye umqondiso wendlela;
- (f) iya kwenza ukuba abantu baphazamiseke bangaziqondi iimpawu nemiqondiso yendlela;
- (g) iya kungenelela ekusebenzeni kweempawu zendlela okanye yenze ingozi endleleni;
- (h) iya kuphazamisa abahambi ngeenyawo ukubona okanye abaqhubi ukuba bangayiboni indlela okanye iitreyini, izinto ezisendleleni, iipavumente, iziphambuka, amagophe naluphi utshintsho olukhoyo endleleni;
- (i) iya kungenelela emchankathweni weebhayisikili okanye wabahambi ngeenyawo ngaphandle kokuba umphakamo ucacile yaye uvunyiwe nguMlawuli weSixeko;
- (j) iya kuthintela indlela yokwesaba xa kukho ingozi yomlilo okanye ukusebenzisa izixhobo zokucima umlilo;
- (k) iya kubekwa ingagunyaziswanga nguMlawuli weSixeko ngokuphathele neentambo ezijingayo zombane.

Idizayini nolwakhivo

7.(1) Izixhobo ezisetyenziswa ukwenza intengiso yezinto kule ndawo iphantsi kolawulo olungqongqo iya kudizayinwa ngendlela ehambelana nephunyezwe ngokwemiqathango yequmrhu iSouth African Bureau of Standards ("SABS").

(2) Zonke iimpawu ezikummandla okhuselweyo ekungangeni nabani kuwo (Controlled Access Site / Exclusion Zone) ekusetyenziswa kuyo umbane, kufuneka ukuba—

- (a) iintambo zombane nezihambisi-mbane zibekwe zizize ukuze zingabi semehlweni, zigqumeke;
- (b) zinganiki mngcipheko wakuqala umlilo;
- (c) zibe neswitshi engaphandle eza kufumaneka lula nekumphakamo oziimitha ezintathu ukusuka emhlabeni ekunokuthi xa kuyimfuneko kucinywe yona;
- (d) iintambo zifakelwe ngendlela ehambelana nemithetho nemimiselo esebenzayo; yaye
- (e) iintambo mazifakelwe ngusombane okanye injineli yombane efanelekileyo.

(3) Akukho mntu uya kwacha, kumiliselela okanye kubonisa luphawu, bhilbhodi okanye ssiseko santengiso kule ndawo iyodwa (Controlled Access Site/Exclusion Zone) neya kuba yingozi endalweni.

Ulondolozo

8. Zonke iimpawu ezikwindawo ebizwa ngokuba yiControlled Access Sites / Exclusion Zones ziza kujongwa ngabantu bazo rhoqo yaye umnini-nto uza kuqinisekisa ukua iimpawu ezo zigcinwe cocekileyo nangobunono.

Ushenxiso nothinjo lweesayini

9.(1) Ngokwemigaqo yecandelo 5, uMphathi weSixeko uya kuthi ngokuphathelele neesayini, iibhlabhodi kunye nezinye iziseko zentengiso ezimiselwe okanye ezakhelwe zabekwa kwindawo ebizwa ngokuba yiControlled Access Site ephantsi kolawulo olungqongqo okanye nayiphi ekuboniswe kuyo intengiso kwezo ndawo zichazwe kumacandelo 5(1)(c)(i) naku-(ii) zinikwe invume yokuba zenze oku kulandelayo:

- (a) Zikhombise umnini wesayini, webhlabhodi okanye wesiseko eso kuboniwe kuso intengiso ephazamisa okanye efikelela kwezo ndawo kubekwe imida kuzo nokuba zezoluntu nokuba zezabantu bucala, ukuba ayisuse isayini leyo okanye ayibhekise, ngaphandle kokuba amalungiselelo kulo avunye nguMlawuli weSixeko ngokoMthetho kaMasipala ophathelele nolawulo lwePropati yeSixeko, ethi Management and Administration of the City of Cape Town's Immovable Property;
- (b) Zinike umntu lowo uchaphazelekayo isaziso sokuba ashensexise isayini leyo okanye ibhlabhodi leyo ukuba iyaphikisana noMthetho kaMasipala ongentengiso yangaphandle obizwa ngokuba yiCity of Cape Town: Outdoor Advertising and Signage By-law;

(2) Ukuba uMthetho kaMasipala lo awuthotyelwa ngulowo unikwe isaziso sokuba ashensexise isayini okanye ibhlabhodi yakhe, iSixeko siya kubhenela enkundleni ukuze sifumane ilungelo lokuyishenxisa into leyo iphazamisana noMthetho kaMasipala.

ISAHLUKO 3— IMIQATHANGO ENGUNDOQO: IINDAWO EZIPHANTSI KOLAWULO OLUNGQONGQO

Ukusikwa kweendawo eziza kuba phantsi kolawulo olungqongqo

10.(1) Umlawuli weSixeko unokuthi, azise loo ndawo iza kuba phantsi kolawulo olungqongqo (Controlled Access Site) esebenzisa amajelo eendaba.

(2) Umlawuli weSixeko unokuthi anike indawo ethile njengendawo eyodwa (Exclusion Zone) ze ayazise loo ndawo ngokusebenzisa amajelo eendaba.

Uthintelo kwiindawo ezphantsi kolawulo olungqongqo

11. Akukho mntu uvumelekileyo ukuba—

- (a) atshaye, atye, asele okanye alale nakweyiphi indawo ephantsi kolawulo olulodwa ekungavumelekanga ukuba kwenzeka ezi zinto zikhankanyiweyo;
- (b) agxobheke nje emisebenzini eqhutywayo equka kambe ingaphelelanga kufakelo kwezixhobo zokusebenza kule ndawo enolawulo olulodwa lokungena (Controlled Access Site);
- (c) ashensexise okanye asuse nantoni kwizixhobo nezisetyenziswa ezibekiweyo kule ndawo iyodwa iphantsi kolawulo olungqongqo (Controlled Access Site);
- (d) eze nesilwanyana ngaphandle kwezinja ezisetyenziswa ngabangaboniyo okanye ezo zilwanyana zincedisa amagosa agunyazisiweyo ekufezekiseni umsebenzi wawo wokulondolozisa le ndawo iyodwa;
- (e) asebenzise ulwimi oluthukayo, aziphathe ngokungafanelekanga nangokuphazamisana nabanye abantu kule ndawo isikiweyo (Controlled Access Site);
- (f) aphazamisane, agxobhagxobhe okanye ahluphane naye namphi umntu ohleli kule ndawo (Controlled Access Site);
- (g) onakalise nandawoni nantoni kulo mmandla uwodwa (Controlled Access Site) okanye izixhobo ezisetyenziswa kule ndawo;

- (h) Achithe okanye alahle zinto ezinokuba yingozi ebantwini abaza kube besebenzisa le ndawo;
- (i) onakalise, ophule ngabom, apeyinte, onakalise inkangeleko yale ndawo;
- (j) Alale, ahlale, eme, ame isiqhu nabanye, ahambahambe ngendlela eya kudala uphazamiseko nokuba lulolwaluphi uhlobo kule ndawo;
- (k) Uya kukhangela umqhubi wesithuthi opaka imoto yakhe kule ndawo kuba esithi ugade imoto leyo;
- (l) Uya kuchama, azithume okanye enze nayiphi into ehlasimlisa umzimba kule ndawo;
- (m) Uya kulahla okanye ashiye nantoni enokuba yingozi okanye ikhathaze abo basebenzisa le ndawo;
- (n) Uya kuphatha, aveze, aqhayise ngesixhobo esiyingozi; okanye
- (o) Ajule okanye aphose nantoni yaluphi uhlobo kule ndawo okanye malunga nale ndawo.

Indawo eyodwa

12. Ngokwemigaqo yecandelo 5, akukho mntu uya kushishina kwindawo ebhalwe Indawo eyodwa (Exclusion Zone) ngosuku lomdlalo ngaphandle kwemvume yoMlawuli weSixeko ayinike ngesizathu esisodwa sokuba kunxulumene nokhuphiswano, ngaphandle kokuba isithintelo asizi kubachaphazela oosomashishini besiqhelo nabo abaya kushishinela ezindaweni ezizezabo ekuqaleni kokusebenza kwalo Mthetho kaMasipala.

ISAHLUKO 4— IMIQATHANGO ENGUNDOQO: UKUHONJISWA KWAMABALA OLUNTU NESIXEKO

Ukuhonjiswa kweSixeko kulungiselelwa uKhuphiswano

13.(1) UMphathi weSixeko uya kubongoza bonke abantu ababandakanyeka kwimisebenzi yokwakha emikhulu ngeli xesha nesemehlweni oluntu nesondele kumaziko amakhulu ezothutho okanye kumaziko okuzonwabisa naza okanye anokusetyenziswa ngexesha lemidlalo yoKhuphiswano, iZiza seeNdawo zokuNgena eziLawulwayo neeZowuni eziKhethiweyo, ukuba kuthathwe amanyathelo ayimfuneko ngezabo iindleko ukuhlawula okanye ukufihla ezo ziza kwakhiwa kuzo ekubonweni luluntu.

(2) UMphathi weSixeko uya kuba nelungelo, lokucela nawuphi na umnini welayisenisi, iphepha-mvume elikhoyo, iphepha lolwamkelo okanye sigunyaziso sokwenza nayiphi na imisebenzi yokwakha kwiindawo emikhulu karhulumntse okanye yabucala, kumaziko ezothutho anengxinano yoluntu okanye kumaziko olonwabo naya kusetyenziselwa imidlalo yoKhuphiswano, iZiza seeNdawo zokuNgena eziLawulwayo neeZowuni eziKhethiweyo nekuqhutywa imisebenzi yokwakha ngexesha lokuqalisa koKhuphiswano, ukuba bayimise lo misebenzi yokwakha ngalo lonke elo xesha okanye ngokuyinxalenye yexesha elo lemidlalo.

(3) Akukho banu uvumelekileyo ukuba onakalise inkangeleko yalo naluphi na udonga, isakheko okanye isakhiwo kuso nasiphi na isitalato okanye ibala loLuntu okanye imbonakalo ekufuphi nesitalato okanye nebala loLuntu ngokubhala, ngokupeyinta, okanye ngokubeka nayiphi na imizobo, imifanekiso nemiqondiso ngexesha loKhuphiswano.

ISithintelo Jikelele esiphathelele kumabala oluntu neendawo ezihonjisiweyo zeSixeko

14. Akukho mntu uvumelekile kwitheko elikhethekileyo—

- (a) ukuba adale okanye enze inkathazo;
- (b) asebenzise intetho enyelisayo okanye echasayo okanye aziphathe ngendlela eyenyelisayo, enenkcaso okanye engafanelekanga kuye nawuphi na omnye umntu ozimase elo theko;
- (c) athintele, aphazamise, asithe okanye aphaathe kakubi nawuphi na omnye umntu;
- (d) onakalise okanye abangele umonakalo ngqo kuzo naziphi na izixhobo zokusebenza, amaziko, izixhobo, izimakade, izinto ezifakelweyo, izakhiwo okanye izakheko;
- (e) atshaye, atye, asele okanye alale apho ezi zenzo zingavumelekanga khona;
- (f) aphalaze okanye awise nayiphi na into enokubangela umonakalo okanye yonzakalise abanye abantu;
- (g) aphazamise imisebenzi eyenziwayo okanye ukufakelwa kwezixhobo, ukumiswa kwamaziko okanye ukokhiwa kwezixhobo eziluncedo;
- (h) asuse okanye onakalise nayiphi na into okanye inxalenye yesimakase, yento efakelweyo, yezixhobo, yeziko elimisiweyo okanye izixhobo zokusebenza;
- (i) enze isenzo sokonakalisa ngabom kuqkwa kodwa kungalinganiselwanga ekupeyintweni, ekonakalisweni kwembonakalo okanye ukuphawula naziphi na izixhobo eziluncedo, amaziko amisiweyo, izixhobo zokusebenza, izimakade, izinto ezifakelweyo, izakhiwo nezakheko;
- (j) ukulala, ukuhlala, ukuma, ukungqungana okanye ukuhamba ngendlela ebangela uthintelo lwangabom, okanye olubangela naluphi na uphazamiseko, ngalo naluphi na uhlobo;
- (k) ukurhwebesha okanye ukubongoza imbuyekezo kumqhubi wesithuthi opake isithuthi sakhe ngenjongo okanye ngokuzenza ngathi usigadile okanye ukhusele eso sithuthi;
- (l) ukuchama okanye ukuzithuma ngaphandle kwakwindawo elungiselelwe oo neyenzelwe lo njongo okanye enze isenzo sokungaziphathi kakuhle;
- (m) acele okanye angqibe imali;
- (n) alahle okanye ashiye okanye abangele ukushiywa kwayo nayiphi na into enokuba yingozi okanye enokudala umonakalo kwabanye;
- (o) ukuphatha, ukutshangatshangisa okanye ukuveza okanye ukusebenzisa nasiphi na isixhobo sokulwa, isixhobo senkcubeko okanye nayiphi na into enokubangela umonakalo kwabanye;
- (p) ukugibisela nantoni na, nokuba yeyaluphi na uhlobo;
- (q) ukungena kuyo nayo nayiphi na indawo ekungavumelekanga ukuba ungene kuyo okanye ethintelekileyo;
- (r) ukuhlamba, ukuhamba emanzini okanye ukuqubha okanye ukuhlamba umzimba, isilwanyana okanye nantoni na, kuqkwa nempahla, nakuyiphi na indawo enamanzi;
- (s) ukwenza, ukulumeka okanye ukubasa umlilo ngaphandle kwakwindawo elungiselelwe kanye neyenzelwe kanye lo njongo; kunye
- (t) nokumisa intente okanye ukuhlala;

- (u) ukwenza nasiphi na isenzo esithintelweyo ngokungqinelana nalo nasiphi na isaziso okanye uphawu oluxhonywe siSixeko.

Uthintelo kwindlela yokungena

15. UMphathi weSixeko unelungelo lokuthintela indlela yokungena eqhelekileyo nokusetyenziswa kwalo naliphi na ibala elivulekileyo loLuntu nokusetyenziswa kwamabala oluntu ngeenjongo—

- (a) zokukhusela ibala elivulekileyo loluntu;
- (b) ukunciphisa ukonakaliswa okanye ukuphathwa kakubi kwepropati yeSixeko ekulo naliphi na ibala loluntu;
- (c) ukuphuhlisa okanye ukwenza nawuphi na umsebenzi obonwa njengoyimfuneko okanye njengofanelekileyo ukuze kuphunyezwe iinjongo zalo Mthetho kaMasipala kumalungiselelo oKhuphiswano.

Inkunkuma

16. Akukho mntu uvumelekileyo ukuba kwibala loLuntu elivulekileyo—

- (a) alahle, anyengeze ngobuxelelu, asasaze okanye alahle nayiphi na into eyinkunkuma, ngaphandle kwakwisiqulathi esinikezelwe siSixeko kulungiselwa lo msebenzi; okanye
- (b) alahle okanye asasaze nayiphi na ino eyinkunkuma okanye angcolise ngayo nayiphi na indlela enokuba nempembelelo eyonakalisayo kuyo nayiphi na indawo enamanzi.

Izithuthi

17. Akukho mntu uvumelekileyo kwibala elivulekileyo loLuntu —

- (a) ngaphandle kwangamaxesha achaziweyo nakwiindlela neendledlana ezibonelelwe nguMphathi weSixeko, ukuqhuba, ukurhuqa okanye ukuqhuba nasiphi na isithuthi ngaphandle kwebhayisikile okanye inqwelana ebusithuthirha nesetyenziswa ngabantu abakhubazekileyo;
- (b) ukuqhuba, ukurhuqa okanye ukuqhuba nasiphi na isithuthi nokuba sesaluphi na uhlobo nesihamba umgama ongaphezu kweekhilomitha ezingama-40 (amashumi amane) ngeyure; okanye
- (c) ukupaka nasiphi na isithuthi nokuba sesaluphi uhlobo, ngaphandle kwakwindawo elungiselelwe oko okanye kwenye indawo ekuvumelekileyo kuyo ukuba kumiswe izithuthi nguMphathi weSixeko.

Izityalo nezilwanyana

18. Akukho mntu uvumelekileyo ngaphandle kwegunya elicacisiweyo nguMphathi weSixeko, ukuba kwibala loLuntu elivulekileyo—

- (a) aphazamise, onakalise, atshabalalise okanye asuse nawuphi na umthi, ityholwana okanye ezinye izityalo;
- (b) afakele, abeke, alungelelanise okanye enze ubhengezo-ntengiso nokuba lolwaluphi na uhlobo naphi na kwibala loLuntu elivulekileyo;
- (c) ukutyala naziphi na izityalo;
- (d) ukuguqula ithambeka okanye imbonakalo yemijelo yogutyulo ngeenjongo yokuphazamisana nendlela yokufikelela emanzini, umoya nakwizondlo zawo nawuphi na umthi okanye nasiphi na isityalo;
- (e) ukubambisa okanye ukuzama ukubambisa, ukusukela, ukudubula, ukonzakalisa, ukugibisela izinto, ukukhathaza, ukuchisha nangayiphi na indlela nasiphi na isilwanyana, intlanzi, okanye intake okanye indlwana yayo okanye amaqanda ayo;
- (f) ukukhwela ihashe, ngaphandle -
- (i) kwakwindawo emiselwe nguMphathi weSixeko njengelungele lo msebenzi; kunye
- (ii) nabani na owenza umsebenzi wakhe osemthethweni, ogade amabala oluntu avulekileyo ekhwele ihashe;
- (g) ukuhamba, ukuthwala, ukukhwela okanye ukuza nesilwanyana ngaphandle kwehashe okanyeinja ukuba ukuza nenja okanye nehashe akuthintelwanga kwelo bala loLuntu elivulekileyo;
- (h) ukuhamba nenja kuyo nayiphi na indawo—
- (i) ukuhamba nenja kwibala loLuntu elivulekileyo ekungavumelekanga ngokwesaziso okanye ngokomqondiso ogunyaziswe nguMphathi weSixeko; okanye
- (ii) ukuba lo nja, ithi ngeli xesha ihamba-hamba kwibala loLuntu elivulekileyo ingajongwa ngalo lonke ixesha okanye ilawulwe ngulo mntu uhamba nalo nja.

Ukusetyenziswa kwamabala avulekileyo oluntu

19.(1) Akukho mntu uvumelekileyo, ukuba kwibala elivulekileyo loluntu—

- (a) asebenzise ibala elivulekileyo loLuntu ngendlela ethintela ngokungenabulungisa okanye ethintela abanye abasebenzisi bebala elivulekileyo loluntu ekuxhameleni ukusebenzisa elo bala elivulekileyo loluntu; okanye
- (b) ngaphandle kwakwibala elivulekileyo loLuntu okanye inxalenye yalo, eliqeshiselwe umntu othile nguMphathi weSixeko ngeenjongo ezithile, zokuthengisa, ukuhamba uthengisa, ukunikezela okanye ukubonisa nayiphi na impahla okanye izinto eziphathekayo ngeenjongo yokuzithengisa okanye ukuqeshisa ngazo;

(2) Akukho mntu uvumelekileyo ukuba asungule isiganeko okanye isiganeko esikhethekileyo esinokusetyenziselwa iinjongo zoKhuphiswano ngaphandle kokuba kugunyaziswe ngokukodwa nguMphathi weSixeko.

ISIAHLUKO 5—IMIQATHANGO ENGUNDOQO: ISIKHOKELO SEENDLELA ZOLUNTU NEZOTHUTHO

Izithintelo jikelele ngokuphathelene neendlela zoluntu

20. Akukho mntu uvumelekileyo ukuba ngexesha loKhuphiswano—

- (a) ukuba amise okanye abangele, okanye avumele ukuba kumiswe, okanye abeke nantoni kuqukwa ibhanile, intsontela, ucingo, intambo, ipali, ucingo olunameva, ubiyelo ngemivalo, ubiyelo olwenziwe ngepali ezitsolo, udonga okanye nasiphi na isithintelo okanye into enqandayo nokuba yeyaluphi uhlobo phezu, phantsi, okanye ngokunqamleze nayiphi na indlela yoluntu ngaphandle kokwamkelwa nguMphathi weSixeko,

- ukuba eso sithintelo asizi kusetyenziswa ngabeeNkonzo zamaPolisa oMzantsi Afrika okanye ngamaPolisa eNqila xa esenza imisebenzi yawo;
- (b) ukusebenzisa impahla ezinokubangela nawuphi na umonzakalo okanye ingozi kuyo nayiphi na inxenye yendlela yoluntu okanye ukubangela umonzakalo kubasebenzisi bayo kuqukwa kodwa kungalinganiselwanga kubahambi ngeenyawo, abakhweli beebhayisikili, abakhweli bezithuthuthu nabakhweli beenqwelo mafutha;
- (c) ukuphalaza okanye ukuwisa nantoni na phezu okanye uyibeke ngokunqumleze indlela yoluntu kuqukwa kodwa kungalinganiselwanga ekuchitheni amanzi, imichiza okanye nantonina eyi-oli, nenokuthi ngayo nayiphi na indlela ibeke ebungozini okanye yonzakalise abasebenzisi bendlela kuqukwa kodwa kungalinganiselwanga kubahambi ngeenyawo, abakhweli beebhayisikili, abakhweli bezithuthuthu nabakhweli beenqwelo mafutha;
- (d) ukuphazamisana nomsebenzi owenziwa siSixeko okanye nguye nawuphi na umboneleli ngenkonzo ogunyazisiweyo okanye liqela elizimeleyo kwindlela yoluntu okanye ngokuphathelene neenkonzo zeSixeko kuqukwa ukombiwa kwemingxuma, imisele, imigodi eyimigibe okanye imijelo phantsi kwayo nayiphi na indlela yoluntu; okanye ukupeyinta, ukungcolisa ngokuzithuma okanye ukwenza iimpawu nakuyiphi na indlela yoluntu;
- (e) ukwenza nasiphi na isenzo zokonakalisa kuqukwa kodwa kungalinganiselwanga ekupeyinteni, ekungcoliseni ngokuzithuma okanye ukwenza iimpawu kuyo nayiphi na inxenye yendlela yoluntu;
- (f) ukuthintela, ukuphazamisa, ukubanga umqobo okanye ukunokuneza nawuphi na umsebenzisi wendlela kuqukwa kodwa kungalinganiselwanga kubahambi ngeenyawo, abakhweli beebhayisikili, abakhweli bezithuthuthu nabakhweli beenqwelo mafutha abasebenzisa okanye abangena kwiindlela zoluntu;
- (g) ukubangela ukuba nasiphi na isilwanyana sibhadule okanye sihambe kwindlela yoluntu, ngaphandle kwezinja ezikhokela abantu abangaboniyo nezilwanyana ezincedisa amagosa kwimisebenzi yawo yonyanzeliso-mthetho;
- (h) ukurhwebesha okanye ukubongoza imbuyekazo kumqhubi wesithuthi opake isithuthi sakhe kwindlela yoluntu ngenjongo okanye ngokuzenza ngathi usigadile okanye ukhusele eso sithuthi;
- (i) ukuchama okanye ukuzithuma ngaphandle kwakwindawo elungiselelwe oo neyenzelwe lo njongo okanye enze isenzo sokungaziphathi kakuhle kwindlela yoluntu okanye kuso nasiphi na iSiza ekungenwa kuso ngendlela eLawulwayo;
- (j) ukungqiba kwindlela yoluntu.

(2) Akukho mntu uvumelekileyo ngexesha loKhuphiswano, ngaphandle kokwamkelwa nguMphathi weSixeko—

- (a) ukuqhuba okanye ngaphandle koko ukuhambisa itroli kwindlela yoluntu kwiZowuni engaVumelekanga okanye kwiSiza ekungenwa kuso ngendlela eLawulwayo;
- (b) ukulahla okanye ukushiya okanye ukubangela ukuba kushiyele intlabathi, amatye, umhlaba, izitena, amaplanga, ikalika, isimente okanye ezinye izinto zokwakha okanye indawo egrunjiweyo nokuba yeyaluphi na uhlobo okanye nayiphi na inxalenye kwindlela yoluntu; okanye
- (c) ukupaka okanye ukushiya nasiphi na isithuthi nokuba sesaluphi na uhlobo nangayiphi na indlela kuqukwa kodwa kungalinganiselwanga nayiphi na inqwelo mafutha, ibhasi, iveni, iloli, ibhayisikile, isithuthi esitshovwa ngesinyathelo, ibhayisekile engenasinyathelo, isileyi, isithuthuthu, ikharavani, isikhotsi, ikari, itelelele okanye isixhobo esishukumisa umhlaba, nokuba sijongiwe nokuba asijongwanga, kuyo nayiphi na indlela yoluntu ngaphandle ngaphandle kwakwindawo ephawulelwe oko.

Izithintelo jikelele ngokuphathelene kulawulo lwezithuthi ezindleleni

21.(1) Akukho mntu, ngaphandle kwegosa eligunyazisiweyo, elivumelekileyo ukuba likhokele naluphi na uhlobo lwesithuthi lisebenzisa umqondiso obonwayo okanye oviwayo.

(2) Akukho mntu uvumelekileyo ukuba aqhube apake isithuthi kwindawo ekungavumelekanga zithuthi kuyo ngaphandle kokuba unikwe istika esigunyazisa ubukho beso sithuthi kulo ndawo ekungavumelekanga kupakwa zithuthi kuyo ngokusemthethweni yaye sibe sifunyenwe yaye sibekwe ngokucacileyo kwisithuthi eso;

(3) Akukho mntu uvumelekileyo ukuba aqhube nayiphi na ibhayisikile enesinyathelo, isithuthuthu, ibhayisekile engenasinyathelo, isileyi, iplanga elitshibilizayo okanye nayiphi na enye into elolo hlobo anokuthi umntu axomekezele yena nalo nto ihambayo eyibhayisikili enesinyathelo, ibhayisikili engenasinyathelo, isileyi, iplanga elitshibilizayo okanye isixhobo esizhambelayo kwesinye isithuthi esihambayo, kwindlela yoluntu.

(4) Akukho mntu uvumelekileyo ngaphandle kokwamkelwa nguMphathi weSixeko, ukuba apake okanye abangele ukuba kupakwe nasiphi na isithuthi nokuba sesaluphi na uhlobo kwindawo ephawulelwe oko ngaphandle kokuhlawula, xa kuyimfuneko, ixabiso elifanelekileyo okanye ukufaka istika okanye ikhadi elifanelekileyo kwisixhobo sibala ixesha opake isithuthi sakho ngexesha lokupaka eliyimfuneko.

Izithintelo jikelele ngokuphathelene nendawo yokupaka

22. UMphathi weSixeko uya kuba nelungelo lokuthintela indlela yokungena yoluntu kwiindawo eziphawulweyo nakwezinye iindawo zokupaka ezikummandla okanye ezingqonge isteydiyam okanye iSiza ekungenwa kuso ngendlela eLawulwayo ngeentsuku zemidlalo okanye xa kusingathwe iziganeko ezisemthethweni, yaye kule meko uya kuba nelungelo—

- (a) lokuthintela ilungelo lokusebenzisa iindawo ezithile eziphawulweyo ngaphakathi esteydiyam nangaphandle kufuphi nendawo yokungena, kwaba bantu balandelayo—
- (i) abantu ababalulekileyo;
- (ii) amaqela; kunye
- (iii) namagosa ezemidlalo, kuqukwa noosompempe;
- (b) ukuthintela ilungelo lokusebenzisa iindawo ezithile eziphawulweyo nezinye iindawo zokupaka izithuthi ezingaphakathi kwesteydiyam kufuphi kakhulu nesakhiwo esisesteydiyam, naxa kuyimfuneko ukuba zisetyenziswe ngababoneleli ngeenkonzo, kwaba bantu balandelayo -
- (i) igqiza labathunywa be-FIFA;
- (ii) amalungu egqiza labathunywa be-LOC;
- (iii) iimanyano zezorhwebo;
- (iv) iinkampani ezinelungelo lokusasazo;
- (v) iindwendwe ze-FIFA guests; kunye

- (vi) nababoneleli ngeenkonzó;
- (c) ukuthintela ilungelo lokusebenzisa iindawo ezithile eziphawulweyo nezinye iindawo zokupaka izithuthi ngaphathi esteydiyam kubameli beenkampani zosasazo nenkonzo yoquqa bosasazo.

Imiyalelo emiselwa ngamagosa asemthethweni

23. Igosa elisemthethweni livumelekile ukuba, ngeenjongo zokumisela okanye ukusebenzisa isicwangciso sezokhuselo nokhuseleko kwiimeko eziyimfuneko kuso, nangokwanelisa iimfuno zokuqinisekisa nokuxhasa ulawulo lwezithuthi okanye ukhuseleko ngosuku lomdlalo -

- (a) liyalele nabani na ukuba ayeke ukusebenzisa indlela yoluntu; yaye
- (b) liyalele nabani na ukuba asuse isithuthi sakhe nokuba sipakiwe, simile okanye siyahamba, kwindlela yoluntu.

Inyathelo lokuvalwa kwendlela nguMphathi weSixeko

24. UMphathi weSixeko unakho, emva kokukhupha izibhengezo ezifanelekileyo kumajelo osasazo, ukuvala okwethutyana nayiphi na indlela yoluntu, isitalato okanye indlela esemthethweni ecanda phakathi kwezindlu kwiSixeko ngeenjongo zokulawula izithuthi, ulawulo nokukhokela okanye ngeenjongo zokumisela okanye ukusebenzisa isicwangciso sokhuseleko nokhuseleko nokuba kukwimida yestedyam okanye hayi, ngexesha lokusingathwa kwesiganeko esisemthethweni, ipaka yabalandeli be-FIFA, isiza sokuzilolonga ngokusemthethweni, iZowuni eThintelweyo okanye iSiza ekuNgenwa kuso ngendlela eLawulwayo.

ISAHLUKO 6—IZIBONELELO EZIPHAMBILI: UKUTHENGISA EZITRATWENI

Ukwamkelwa kokuthengisa esitratweni

25. Ngokwakwesi Sahluko ukwamkelwa kuthetha ukwamkelwa ngokwemithetho kamasipala evunywe siSixeko ngokoMthetho wamaShishini, ka-1991 (UMthetho uNombolo 71 ka-1991) okanye nawuphi omnye umthetho othathe indawo yalo mthetho okanye mthetho kamasipala.

Indlela yokuziphatha kwabathengisi-zitratweni ngobubanzi naxa bethengisa

26.(1) Ngokwesi sivumelwano umthengisi-sitratweni akavumelekanga ukuba—

- (a) abeke izinto zakhe kuyo nayiphi na indawo kawonke-wonke ngaphandle kwezo ndawo zilungiselelwe oko nguMlawuli weSixeko;
- (b) xa egoduka loo mini ashiye nayiphi na into yakhe kwindawo kawonke-wonke;
- (c) abeke izinto zakhe kwindawo kawonke-wonke ngaphandle kokuba ulungiselela ukumisa iitafile zakhe phambi kokuqalisa ukuthengisa okanye elungiselela ukuthengisa;
- (d) afumbe okanye apakishe izinto zakhe ngendlela eza kuthi iphazamisane okanye ibe nobungozi eluntwini okanye kwimpahla, okanye zingonzakalisa umntu okanye zibangele umonakalo kwimpahla;
- (e) ayamise nantoni na nakwiyiphina indawo kawonke-wonke, umda, umthi, isixhobo sokubala ixesha elimiswe yimoto, ipali yombane, ipali yokukhanyisa, ipali yefowuni, indlwana yefowuni, ibhokisi yeposi, uphawu lwendlela, isitulo okanye nayiphi ifanitshala ekwindawo kawonke-wonke;
- (f) abase nakweyiphi na indawo okanye imeko enokuthi ibangele ingozi okanye ilahleko emntwini, kwisakhiwo, isithuthi okanye ifanitshala yesitalato okanye ukuba unikwe ilungelo lokuba apheke ukutya asebenzise umlilo weenkuni okanye isitovu segesi;
- (g) ahlale ubusuku bonke kwindawo athengisela kuyo;
- (h) akhe okanye amise nokuba yintoni elungiselela ukwenza ikhusi kwindawo athengisela kuyo esitratweni egqithayo kule ivunywe nguMlawuli weSixeko;
- (i) aphazamisane nomntu osebenzisa ungqameko ukuba abuke iimpahla eziboniswa efastile yevenkile okanye asithe ezo mpahla emehlweni;
- (j) aqhube ishishini lakhe okanye athathe indawo okanye abeke izinto zakhe kwindawo kawonke-wonke okanye angayihloniphi imithetho okanye izaziso ezibekiweyo okanye ezixhonywe nguMlawuli weSixeko kulungiselelwa lo mthetho kamasipala;
- (k) agcine izinto okanye iimpahla zakhe kwisikroba sokungena, kumbhobho wamanzi ezikhukhula okanye indlu yangasese kawonke-wonke, isikhululo sebhasi okanye iteksi okanye phantsi komthi kawonke-wonke;
- (l) aqhubeke athengise esitratweni ngendlela—
- (i) eza kuphazamisa;
- (ii) eza kwanakalisa okanye igxungule umhlaba wendawo kawonke-wonke okanye womntu;
- (m) eza kuphazamisana nokuhamba kwezithuthi okanye iphazamise indawo yokuwela abantu endleleni, iindawo zokumisa okanye zokulayisha okanye ezinye izixhobo zokuhambisa izithuthi okanye angabakhathaleli abahambi ngeenyawo okanye angathobeli okanye ale xa ecelwa ligosa elinegunya ukuba asuse iimpahla zakhe ukulungiselela ukuba kukwazi ukwenziwa nawuphina umsebenzi okanye inkonzo kulo ndawo kawonke-wonke;
- (n) abeke iimpahla okanye imithwalo yakhe kwindawo kawonke-wonke ngaphandle kwemvume yoMlawuli weSixeko;
- (o) ashishine ngokutya ngaphandle kwesiqinisekiso esikhutshwe ngokoMthetho olawula ezempilo jikelele ngokuphathelene nokutya kwindawo nokuthuthwa kokutya, obizwa ngokuba yi- Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food (GNR. 918 of 30 July 1999).

(2) Umthengisi-sitratweni kufuneka aqinisekise ukuba xa esebenzisa igesi engamanzi xa ezithengisela esitratweni iyahambelana nemiqathango kwakunye nemithetho efanelekileyo ekusetyenzisweni kwalo gesi.

Indlela yokuziphatha komthengisi-sitratweni ekuqinisekiseni ukuba le ndawo yokuthengisela igcinwa icecekile

27. Ngokwesi sivumelwano, umthengisi-sitratweni kufuneka—

- (a) alahle inkunkuma esuka kwishishini lakhe kuwo nawuphi na umgqomo okhoyo okanye into evunywe nguMlawuli weSixeko ukulungiselela uluntu okanye indawo yokulahla inkunkuma yeSixeko;
- (b) angalahli inkunkuma kwisikroba sokungena, kumbhobho wamanzi ezikhukhula okanye nakweyiphi na indawo engalungiselelwanga ukulahla inkunkuma;

- (c) ngokucelwa ligosa elinegunya, asuse iimpahla okanye imithwalo yakhe ukuze kube lula ukucoca indawo okanye isiza athengisela kuso okanye eminye imisebenzi enxulumene nokuhanjiswa kweenkonzo zikamasipala okanye nangasiphi na isizathu esisemthethweni;
- (d) aqinisekise ukuba akukho msi, akuqhumi okanye nayiphi na into eyenza ungcoliseko;
- (e) aqinisekise ukuba akukho vumba libi okanye ngxolo iphazamisayo isuka kwizinto azenzayo;
- (f) agcine indawo okanye isiza athengisela kuso sicocekile kwaye singenazintsholongwane;
- (g) agcine impahla yakhe icocekile, ingenazintsholongwane kwaye iphetheke kakuhle;
- (h) asebenze ngobulumko obanezisa uMlawuli weSixeko ngethuba ngethuba eqhuba ethengisa njengoko kunokwenzeka ukuba kuchithakalele kwindawo kawonke-wonke, okanye kumbhobho wamanzi ezikhukula amafutha, i-oli, igrisi okanye nayiphi na into enokuba nobungozi kuluntu ngobubanzi okanye abantu abasebenzisa iindawo zikawonke-wonke;
- (i) aqinisekise xa egqibile ukuthengisa ngalo mini ukuba indawo ebethengisela kuyo ayinankunkuma kwaye kufuneka akwenze oko ngokwamaxesha amiselweyo.

Ukulawula ukuthengisa esitratweni

28.(1) Ngaphandle kwemvume yoMlawuli weSixeko enikwa kanye ngokwezoKhuphiswano, akukho mntu uvumeleke ukuba—

- (a) aqhubeke athengise esitratweni kuyo nayiphi na iNdawo ekuNgenwa kuyo ngeMvume okanye iNdawo eKhuselweyo ngokwesi sivumelwano;
- (b) aqhubekeke athengise esitratweni kwindawo ekungavumekanga kuyo;
- (c) aqhubekeke athengise kwisitiya okanye ipaki zikawonke-wonke.

(2) Akukho mntu kufuneka aqhubekeke ethengisa esitratweni—

- (a) kwindawo engavumelekanga;
- (b) kwidini elisitha umatshini webhanki;
- (c) kwidini eliphazamisana—
 - (i) nesakhiwo esiwongwe ngokuba sisakhiwo esililifa ngokoMthetho wamaFa eSizwe, ka-1999 (uMthetho uNombolo 25 ka-1999), ngaphandle kokuba kukho isivumelwano esisodwa esinikiweyo ngokwalo mthetho mnye;
 - (ii) nesakhiwo sikarhulumente okanye seSixeko;
 - (iii) necawa okanye enye indawo yokukhonza;
 - (iv) nendawo kawonke-wonke, ngaphandle kokuba ukuthengisa kuvumelekile ngokwesalathiso esimisiweyo okanye esixhonywe nguMlawuli weSixeko kwaye uyasithobela;
 - (v) nendawo—
 - (aa) evala umnyango wokungena okanye ukuphuma kwisakhiwo;
 - (bb) ephazamisa umbhobho wamanzi okucima umlilo okanye enye inkonzo kamasipala;
 - (vi) necala lendlela kawonke-wonke elisitha isakhiwo esisetyenziswa njengendawo yokuhlala ukuba umnikazi okanye umntu osilawulayo okanye nabani ohlala kuso uyaphikisana noko;
 - (vii) necala le ndlela kawonke-wonke elayamene nevenkile okanye lo ndawo yesakhiwo apho kuthengiselwa kuyo ngumntu othengisa iimpahla ezifanayo okanye eziyeleleneyo kwimpahla ezithengiswa ngumthengisi-sitratweni ukuba loo mntu uyaphikisana noko;
 - (viii) nesiza okanye nayiphi na indawo emiselweyo nguMlawuli weSixeko ngokwecandelo 6A(3)(b) kuMthetho wezaMashishini ka-1991 (uMthetho Nombolo 71 ka-1991), ukuba akanaso isiqinisekiso esibhaliweyo sokuba usiqashile eso siza okanye loo ndawo kwiSixeko okanye eso siza sinikwe yena; nokuba athengise esaphula imithetho nemiqathango yokuqasha, yemvume okanye yokwabelwa; kwaye
 - (ix) nomgama ofanelekileyo phakathi kweNdawo ekuNgenwa kuyo ngeMvume, loo mgama njengoko kumiselwe nguMlawuli weSixeko.

Iindawo zokuthengisela ezikhuselweyo nekungavumelekanga ukuthengisa kuzo

29. ISixeko singakhomba sicande iindawo ezikhuselweyo okanye ekungavumelekanga ukuba kuthengiselwe kuzo ngokoMthetho wezaMashishini ka-1991 (uMthetho uNombolo 71 ka-1991) okanye nawuphina umthetho kamasipala olawula ukuthengisa esitratweni.

Ukuthintelwa kwabantu abaneminyaka engaphantsi kweshumi elinesithandathu

30.(1) Akukho mntu ungaphantsi kwiminyaka elishumi elinesithandathu ubudala uvumelekileyo ukuthengisa esitratweni kwindawo kawonke-wonke.

(2) Naye nabani oqesha okanye othetha-thethana okanye ocela lo mntu kuthethwa ngaye kwicandelwana (1) ukuba athengise esitratweni okanye ancedise uya kuba netyala lokwaphula umthetho.

ISIAHLUKO 7— AMALUNGISELELO ANGAMANYE

Amagunya okungena kuhlolwe indawo yokusebenzela

31.(1) Igosa elinegunya linelungelo lokucela okanye lihlole nasiphi na isivumelwano esinikiweyo ngokwalo Mthetho kaMasipala.

(2) Ukungakwazi ukunikeza ngeso sivumelwano ngumnikazi-siza okanye omnye umntu onaso kuza kuthathwa njengokophula umthetho ngokwalo Mthetho kaMasipala

Ilungelo lokungena nokuthintelwa kwiNdawo ekuNgenwa kuyo ngeMvume

32.(1) Ilungelo lokungena nokusebenzisa iNdawo ekuNgenwa kuzo ngeMvume liza kulawulwa ngokunikezwa kwesiqinisekiso namatikiti.

(2) Kuxhomekeka kwimeko yalo Ndawo ekuNgenwa kuyo ngeMvume kwakunye nohlobo lwento eza kwenziwa kulo Ndawo ekuNgenwa kuyo ngeMvume, akukho mntu ngaphandle—

- (a) komntu onikwe isiqinisekiso;

- (b) komntu onetikiti; okanye
- (c) naye nabani na umntu onikwe igunya okanye ovumelekileyo ukuba angene kwiNdawo kwiNdawo ekuNgenwa kuyo ngeMvume, uza kuvunyelwa ukuba angene kwiNdawo ekuNgenwa kuyo ngeMvume.

Imiyalelo yamagosa anegunya ngokweendawo ezivulelekileyo zoluntu

33. Igosa elinegunya lingayalela nabani ukuba asuke kwindawo yoluntu evulelekileyo ukuba

- (a) igosa elinegunya linesizathu sokukholelwa ukuba lo mntu udelela nasiphina isibonelelo semiThetho kaMasipala, kwaye
- (b) loo mntu akayeki ngoko nangoko ukudelela umthetho ngokomyalelo welo gosa.

Amagunya ogqogqo nokuthimba eSixeko kwiindlela zikawonke-wonke nokophula umthetho kubathengisi-sitratweni

34. (1) Igosa elinegunya ngokoMthetho weNkqubo yoLwaphulo-mthetho, ka-1977 (uMthetho Nombolo 51 ka-1977) kwaye lilawulwa nayeminye imithetho enokulandelwa, lingagqogqa, lithathe okanye lithimbe naziphina iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, inqwelo yeentente nokuba iluhlobo luni na, nokuba kukho umntu okanye akekho, ukuba—

- (a) linesizathu sokuzikrokrela ukuba zisetyenziswa okanye kujongwe ukuba zisetyenziswe okanye sezisetyenzisiwe kwizinto eziphathelene nokuthengisa esitratweni okanye ukophulwa kwalo mthetho kaMasipala
- (b) ishiywe okanye imiswe endaweni engavumelekanga yokumisa;
- (c) lizifumana zikwindawo yokumisa okanye kawonke-wonke ngokokubona kwalo zaphula lo Mthetho kaMasipala, nokuba ezo mpahla, mithwalo, migqomo, zintsimbi, zixhobo, zinto, khushi, sithuthi okanye ntente zigadwe okanye ziphantsi kweliso laye nabani na ngexesha lokuthinjwa okanye ukuthathwa kwazo.

(2) Igosa elinegunya kufuneka linike irisithi ethathwe kwincwadi yerisithi esemthethweni umntu okhangeleka ngathi nguye ogade iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, inqwelo yeentente ekuthethwa ngazo.

(3) Naziphi na iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, intente okanye isithuthi njengoko kucacisiwe kwicandelwana (1) kufuneka ziphawulwe ngendlela efanelekileyo zibekwe elugcinweni.

(4) Umthengisi-sitratweni ompahla, mithwalo, migqomo, zintsimbi, zixhobo, zinto, khushi, ntente okanye sithuthi zakhe zithinjweyo ngokwale mithetho kamasipala kufuneka, phambi kokuba ezi mpahla, mithwalo, migqomo, zintsimbi, zixhobo, zinto, khushi, ntente okanye sithuthi zakhe zibuyiselwe kuye ahlawule kwiSixeko iindleko zokugcina ezigqitywa nguMlawuli weSixeko ngamaxesha ngamaxesha.

(5) Umnikazi ke ngoko angayokufuna naziphi na iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, intente okanye isithuthi xa enokuza nobungqina bokuba ngumnikazi obuza kwanezisa uMlawuli weSixeko.

(6) Naziphina iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, intente okanye isithuthi ezingathathwayo kwisithuba esingangeenyanga ezintathu ukusukela ngomhla wokuthinjwa zingatshatyalaliswa ukuba azinaxabiso ngokwemali okanye zithengiswe kwifandesi kawonke-wonke ize ingeniso eyenziwe ngazo ithathwe siSixeko ukubuyisa iindleko zazo zokwaphula umthetho, zokuzithimba nokuzigcina.

(7) ISixeko asinaxanduva lakubuyeza nabani na ngomonakalo obangelwe kukulahlekelwa zizo naziphina iimpahla, imithwalo, imigqomo, iintsimbi, izixhobo, izinto, ikhusi, intente okanye isithuthi ezithathiweyo ngokwecandelwana (1) okanye ukuthengiswa kwazo kwifandesi kawonke-wonke, kwaye umnikazi wezo mpahla, mithwalo, migqomo, zintsimbi, zixhobo, zinto, khushi, ntente okanye sithuthi akanabango okanye lungelo lokubuyekwezwa siSixeko, ukuba ezo mpahla, mithwalo, migqomo, zintsimbi, zixhobo, zinto, khushi, ntente okanye sithuthi zinikwe omnye umntu ongenomnikazi wazo ngesihle.

(8) Naziphina iimpahla ezonakalayo zigcinwa iiyure ezingama-24 ukusukela ngexesha lokuthinjwa kwazo kwaye ziza kulahlwa ngokokubona koMlawuli weSixeko.

Ilungelo lokwenza unikezelo-nkcaza

35. Izaziso ezichazwe kumacandelo 9(1) (a) no-(b), no-10(1) nese-(2) kufuneka—

- (a) zicacise umhla ekuza kufunwa ngawo ukuthobela umthetho;
- (b) zinike abantu abachatshazelwa seso saziso ithuba lokwenza unikezelo-nkcaza ungadlulanga umhla omiselwe kwesi saziso; kunye
- (c) nomhla wokuqaliswa kokumiselwa kwesi saziso.

Amatyala nezohlwayo

36. Naye nabani—

- (a) othe waphula okanye akazihlonela izibonelelo zalo Mthetho kaMasipala;
- (b) othe wenza, okanye wangunobangela, okanye wavumela okanye wanyamezela ukwenziwa, okanye osoleka ngokwenza, nokuba yintoni ekhabana okanye eyenza nantoni kunokuba kucacisiwe kulo Mthetho kaMasipala; okanye
- (c) oshiya, okanye angakhathaleli kwenza, okanye avumele okanye ayeke ingenziwanga, nantoni na ngokwenjongo zokwenene nentsingiselo yalo Mthetho kaMasipala ekufuneka zenziwe ngelo xesha ngendlela ecacisiweyo; okanye
- (d) avumele esazi okanye ayekele nayiphi na imeko engahambisaniyo nalo Mthetho kaMasipala iqhubeka; okanye
- (e) ongayekiyo ukwenza loo nto loo mntu kufuneka eyiyekile ngokwalo Mthetho kaMasipala; okanye
- (f) ongakwazi okanye ale, angakhathaleli ukuthobela okanye aqhubekeke engakwazi, esala, engakhathaleli kuthobela nasemva kokuba etityimbiselwe umnwe okanye walunyukiswa ngamanyathelo omthetho ngokungathobeli ngokwalo Mthetho kaMasipala; okanye
- (g) othe akazithobela izilumkiso, imiqathango okanye imiyalelo ekwiphepha-mvume elikhutshwe nguMlawuli weSixeko; okanye
- (h) othe waphazamisana negosa elinegunya ekwenzeni umsebenzi okanye ekusebenzeni okanye ekuzameni ukwenza umsebenzi okanye ukusebenza kuwo nawuphi na umsebenzi ekufaneleke wenziwe lelo gosa linegunya ngokwamagunya alo eliwanike ngulo Mthetho kaMasipala,

unetyala lokwaphula umthetho kwaye angabanjwa agwetywe isigwebo esingadluliyo kuMawaka aliShumi eeRandi (R10 000, 00) okanye ukuba uthe akayihlawula imali abanjwe avalelwe isithuba esingadluliyo kwiinyanga ezintandathu (6) okanye zozibini ezi zigwebo, ukuba uyaqhubeleka

esaphula umthetho aphindwe ohlaywe isigwebo esongezelelweyo, okanye xa engayihlawuli imali abanjwe avalelwe isithuba esongezelelweyo, usuku ngalunye eqhubeka esona emva kokubhalelwa isilumkiso nguMlawuli weSixeko sisiwe kuloo mntu simlumkisayo ukuba makayeke ukuqhubeka esaphula umthetho.

Ukuthumela

37. (1) UMlawuli weSixeko angathumela naliphina igosa leSixeko ngokwalo Mthetho kaMasipala ukuba lisebenzise amagunya akhe okanye lenze umsebenzi wakhe.

(2) Nayiphi na into ebhekisa kuMlawuli weSixeko kulo Mthetho kaMasipala ingathathwa njengento ebhekisa kwigosa elithunyiweyo.

ISAHLUKO 8—IZIBONELELO ZOKUGQIBELA

Isihloko esifutshane

38. Lo Mthetho kaMasipala ubizwa ngokuba: UMthetho kaMasipala weSixeko saseKapa: weNdebe yeHlabathi yeFIFA ka-2010 kwaye uza kusebenza ngeli xesha letumente.

ISHEDYULI

IXESHA

1. UTsalo lokuGqibela—13 Novemba 2009 ukuya kowe-12 Disemba 2009; kunye
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16 January 2009

33468

HESSEQUA 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 Hessequa Municipality, enacts as follows:—

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1. Definitions and interpretation

(1) 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 Hessequa Municipality (or any service provider to the municipality);

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

“credit control and indigence policy” means the credit control and indigence policy as approved by the Hessequa Municipal Council;

“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;

“disadvantaged” means **“indigent”**;

“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;

“indigent” means households with a total gross income that is less than a fixed amount and that comply with any other specific criteria as determined by the Council, from time to time;

“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 Hessequa, 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;

“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;

“poor” means **“indigent”**;

“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;

“doqproperty” 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;

“property tax policy” means the property tax policy as approved by the Hessequa Municipal Council;

“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 as law; and
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i);

doqrate” 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;

“**tariff policy**” means the tariff policy as approved by the Hessequa Municipal Council;

“**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.

- (2) Where the by-law is silent or provides no detail, the detail shall be that which is contained in the relevant policy.

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 (Act 6 of 2004) and sections 74(3) and 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 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 payment to the Municipality; and
- (b) 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);
 - (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; and
 - (c) levy a surcharge on a service or services in appropriate circumstances, such as during a national disaster or times of drought where it may be necessary to institute limits on consumption.
- (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 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 adomestic 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 (Act 6 of 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 monies 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, 2000 (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 Hessequa 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, 1998 (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.

16 January 2009

33469

HESSEQUA MUNISIPALITEIT**VERORDENING INSAKE KLANTESORG EN INKOMSTEBESTUUR**

Ingevolge artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, artikel 6 van die Wet op Eiendomsbelasting, 2004 (Wet 6 van 2004) en artikel 75 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) verorden die Hessequa Munisipaliteit soos volg:

INHOUDSOPGAWE

1. Woordomsrywings

HOOFSTUK 1: KLANTESORG BEGINSELS, OOGMERKE EN IMPLEMENTERING, EN ONDERSKEIDING

2. Klantesorg beginsels en oogmerke
3. Munisipale bestuurder verantwoordelike beampte
4. Onderskeiding tussen klante en vrystelling

HOOFSTUK 2: VERSKAFFING VAN MUNISIPALE DIENSTE

Deel 1: Aansoek vir verskaffing van dienste en diensooreenkomste, deposito's, rekeninge en betaling en beëindiging van diensooreenkomste

5. Aansoek vir verskaffing van munisipale dienste en diensooreenkomste
6. Deposito's
7. Rekeninge en betaling
8. Beëindiging van diensooreenkoms

Deel 2: Nie-betaling van munisipale rekeninge

9. Reëlings vir betalings
10. Rente op agterstallige munisipale rekeninge
11. Meganismes vir skuldinvordering

Deel 3: Metertoerusting en meting van dienste

12. Algemene bepalings
13. Metertoerusting en meting van verbruik
14. Herverkoop van water of elektrisiteit

Deel 4: Maatreëls vir armoedeverligting

15. Vereistes vir bystand aan hulpbehoewendes
16. Kredietverlening

HOOFSTUK 3: TARIEWE

Deel 1: Algemene beginsels, berekening van tariewe vir hoofdienste

17. Algemene beginsels
18. Berekening van tariewe vir hoofdienste

Deel 2: Tariefstrukture vir hoofdienste, ondergeskikte tariewe

19. Tariefstrukture
20. Elektrisiteit
21. Water
22. Vullisverwydering
23. Riolering
24. Ondergeskikte tariewe

HOOFSTUK 4: EIENDOMSBELASTING

25. Heffing van eiendomsbelasting
26. Kortings op eiendomsbelasting
27. Aanpassing van eiendomsbelasting
28. Frekwensie van waardasies

HOOFSTUK 5: UITVOERING

29. Munisipaliteit se bevoegdheid om dienste te beperk of te diskonnekteer
30. Peutering, ongemagtigde aansluitings en heraansluitings en wederregtelike gebruik
31. Uitklaringsertifikaat
32. Tenders en hulptoelaes
33. Bevoegdheid van raad om koste te verhaal
34. Prima facie bewys
35. Afskryf van slegte skulde en volle en finale vereffening van rekening
36. Reg van toegang en inspeksie
37. Magtiging en betekening van bevele, kennisgewings en ander dokumente

HOOFSTUK 6: ALGEMENE BEPALINGS

38. Reg tot appèl
39. Misdrywe en strawwe
40. Herroeping van verordeninge
41. Korttitel en inwerkingtrede

1. Woordomsrywings

Vir doeleindes van hierdie verordening, tensy die inhoud anders aandui—

“**aansoeker**” beteken ’n persoon wat aansoek doen vir die voorsiening van munisipale dienste;

“**beampte**” beteken ’n werknemer van die munisipaliteit of enige ander persoon wat spesifiek daartoe gemagtig is deur die munisipaliteit om enige handeling, funksie of plig te verrig, of enige bevoegdheid ingevolge hierdie verordening uit te oefen;

“**belasting**” beteken ’n munisipale belasting op eiendom soos bedoel in artikel 229(1) van die Grondwet;

“**belastingbetaler**” beteken ’n persoon wat teenoor die munisipaliteit aanspreeklik is vir die betaling van belasting op eiendom in die munisipaliteit, of ander belasting, verpligting of heffing opgelê deur die munisipaliteit, of gelde vir die voorsiening van dienste of deur die munisipaliteit of ingevolge die voorwaardes van ’n diensooreenkoms, of ’n kombinasie van voornoemde;

“**belasbare eiendom**” beteken eiendom waarop die munisipaliteit ingevolge artikel 2 van die Wet op Eiendomsbelasting, 2004 ’n belasting mag hef, maar uitgesluit eiendom ten volle uitgesluit van die heffing van belasting ingevolge artikel 17 van daardie Wet, maar ingesluit enige regte geregistreer teen sodanige eiendom, met uitsluiting van ’n verband;

“**besikbaarheidsgelde**” beteken ’n vaste maandelikse of jaarlikse geld wat gehef word teen die rekeninghouer, gebaseer is op die koste vir die voorsiening van ’n munisipale diens aan die perseel van die rekeninghouer;

“**deeltiteleenheid**” beteken ’n eenheid soos omskryf in artikel 1 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986);

“**deeltitelskema**” beteken ’n skema soos omskryf in artikel 1 van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986);

“**eienaar**” beteken—

- (a) ’n persoon in wie die wetlike titel tot ’n perseel berus;
- (b) in die geval waar die persoon in wie die wetlike titel berus insolvent of oorlede is, of onder enige vorm van wetlike ongeskiktheid wat ook al is, die persoon in wie die administrasie en beheer van sodanige perseel berus as kurator, trustee, eksekuteur, administrator, geregtelike bestuurder, likwidateur of ander regsverteenvoerder;
- (c) in die geval waar dit nie vir die munisipaliteit moontlik is om die identiteit van die persoon in wie die wetlike titel berus te bepaal nie, die persoon wat geregtig is op die voordeel van sodanige eiendom of ’n gebou daarop;
- (d) in die geval van persele waarvoor ’n huurtermyn van 30 of meer jaar aangegaan is, die huurder daarvan;
- (e) met betrekking tot—
 - (i) ’n stuk grond geteken op ’n deelskema plan geregistreer ingevolge die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), en sonder beperking van die voorafgaande, die ontwikkelaar of die beheerliggaam ten opsigte van die gemeenskaplike eiendom; of
 - (ii) ’n afdeling soos gedefinieer in sodanige Wet, die persoon op wie se naam sodanige afdeling geregistreer is onder die deeltitelakte en sluit in die wetlik aangestelde agent van sodanige persoon;
- (f) enige regs persoon ingesluit, maar nie beperk nie tot—
 - (i) ’n maatskappy geregistreer ingevolge die Maatskappywet, 1973 (Wet 61 van 1973), Trust inter vivos, Trust mortis causa, ’n Beslote Korporasie geregistreer ingevolge die Wet op Beslote Korporasies, 1984 (Wet 69 van 1984), ’n vrywillige organisasie;
 - (ii) enige staatsdepartement;

- (iii) enige raad of bestuur ingestel ingevolge enige wetgewing van toepassing op die Republiek van Suid-Afrika; en
- (iv) enige Ambassade of ander buitelandse entiteit; en
- (g) 'n huurder van munisipale eiendom wat geag word as die eienaar vir die doeleindes van lewering van 'n munisipale rekening;

“eienaar” met betrekking tot—

- (a) 'n perseel waarna verwys word in paragraaf (a) van die omskrywing van “eiendom”, beteken 'n persoon op wie se naam eienaarskap van die eiendom geregistreer is;
- (b) 'n reg waarna verwys word in paragraaf (b) van die omskrywing van “eiendom”, beteken 'n persoon op wie se naam die reg geregistreer is;
- (c) 'n grondbesitreg waarna verwys word in paragraaf (c) van die omskrywing van “eiendom”, beteken 'n persoon op wie se naam die reg geregistreer is of aan wie dit toegeken is ingevolge wetgewing; en
- (d) openbare diensinfrastruktuur waarna verwys word in paragraaf (d) van die omskrywing van “eiendom”, beteken die staatsorgaan wat die openbare diensinfrastruktuur besit of beheer soos bedoel in die woordskrywing van “openbare beheer”, met dien verstande dat vir die doeleindes van die Wet op Eiendomsbelasting, 2004 (Wet 6 van 2004) die munisipaliteit die eienaar van 'n eiendom mag beskou as—
 - (i) in die geval van 'n eiendom in 'n trust, maar uitgesluit staatstrustgrond, 'n trustee;
 - (ii) in die geval van 'n eiendom in 'n bestorwe boedel, 'n eksekuteur of administrator;
 - (iii) in die geval van 'n eiendom in 'n insolvente boedel of in likwidasie, 'n trustee of likwidateur;
 - (iv) in die geval van 'n eiendom in die boedel van 'n persoon onder geregtelike bestuur, 'n geregtelike bestuurder;
 - (v) in die geval van 'n eiendom in die boedel van 'n persoon onder kuratorskap, 'n kurator;
 - (vi) in die geval van 'n eiendom wat onderhewig is aan vruggebruik of ander persoonlike serwituut, 'n persoon op wie se naam 'n vruggebruik of ander persoonlike serwituut geregistreer is;
 - (vii) in die geval van 'n eiendom wat geregistreer is op die naam van die munisipaliteit en deur dit verhuur word, 'n huurder; en
 - (viii) in die geval van 'n eiendom wat deur die munisipaliteit verkoop is en waarvan besit aan die koper gegee is hangende registrasie van eienaarskap op die naam van sodanige koper, 'n koper;

“eiendom” beteken—

- (a) onroerende eiendom geregistreer op die naam van 'n persoon, ingesluit in die geval van 'n deeltitelskema, 'n deeltiteleenheid geregistreer op die naam van 'n persoon;
- (b) 'n reg wat teen onroerende eiendom op die naam van die persoon geregistreer is, maar uitgesluit 'n verband wat teen die eiendom geregistreer is;
- (c) 'n grondbesitreg geregistreer op die naam van 'n persoon of toegeken aan 'n persoon ingevolge wetgewing, soos 'n “grondhervormingsbegunstigde”; en
- (d) openbare diensinfrastruktuur;

“fakturering” beteken fakturering op 'n munisipale rekening aan 'n rekeninghouer van 'n bedrag of bedrae betaalbaar vir eiendomsbelasting, gemeterde dienste, ander munisipale koste, heffings, gelde, boetes, belastings, of enige ander bedrag of bedrae betaalbaar wat ontstaan uit enige aanspreeklikheid of verpligting;

“finale betaaldatum” beteken die datum gespesifiseer as sodanig op 'n munisipale rekening vir enige gelde betaalbaar en wat die laaste toelaatbare dag is vir die betaling van sodanige gelde;

“grondhervormingsbegunstigde”, met betrekking tot eiendom, beteken 'n persoon wat—

- (a) die eiendom verkry het deur die bepaling van die Wet op die Beskikbaarstelling van Grond en Bystand, 1993 (Wet 126 van 1993);
- (b) die eiendom verkry het deur die bepaling van die Wet op die Herstel van Grondregte, 1994 (Wet 22 van 1994);
- (c) die eiendom hou onderhewig aan die Wet op Verenigings vir Gemeenskaplike Eiendom, 1996 (Wet 28 van 1996); of
- (d) die grond hou of die eiendom verkry ingevolge sodanige ander grondbesit hervorming wetgewing soos afgekondig mag wees;

“hoofdienste” beteken die dienste bedoel in artikel 17(5);

“inkomste” beteken alle gelde wat aan die munisipaliteit verskuldig is en ten opsigte waarvan die munisipaliteit die reg het om betaling te vorder en af te dwing, ongeag die feitelike rede vir of die oorsprong daarvan;

“jaarlikse begroting” beteken die begroting wat vir 'n bepaalde finansiële jaar deur die munisipale raad goedgekeur is, en sluit enige aanpassings van sodanige begroting in;

“klante bestuur” beteken die fokus op die rekeninghouer se behoeftes op 'n verantwoordelike en proaktiewe wyse ten einde betaling aan te moedig en sodoende die noodsaak vir afdwinging te beperk;

“klante dienssentrum” beteken en dien as—

- (a) 'n kantoor waar 'n aansoeker aansoek kan doen vir dienste en 'n diensooreenkoms met die munisipaliteit kan aangaan;
- (b) 'n kantoor waar 'n rekeninghouer 'n rekening kan betaal of 'n voorafbetaling kan maak vir dienste;
- (c) 'n kredietkeuringspunt waar die kredietwaardigheid van 'n aansoeker geprosesseer kan word; of
- (d) 'n kantoor waar 'n rekeninghouer inligting kan inwin oor rekeninge of om rekeninge en gemeterde verbruik te verifieer, en griewe, navrae, aanbevelings en ander relevante aangeleenthede aan die munisipaliteit mag kommunikeer en vanwaar die reaksie van die munisipaliteit aan die rekeninghouer oorgedra kan word;

“kortings” met betrekking tot 'n belasting betaalbaar op 'n eiendom, beteken 'n afslag toegestaan ingevolge artikel 15 van die Wet op Eiendomsbelasting, 2004 op die bedrag van die belasting betaalbaar op die eiendom;

“**maand**” beteken een van 12 maande van ’n kalenderjaar;

“**munisipale bestuurder**” is die persoon wat deur die munisipaliteit aangestel is ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en sluit in enige persoon—

- (a) in sodanige posisie waarneem; en
- (b) aan wie die munisipale bestuurder enige mag, funksie of verantwoordelikheid gedelegeer het in sover dit betref die uitvoering van daardie magte, funksies of verantwoordelikhede;

“**munisipale diens**” beteken ’n diens wat die munisipaliteit ingevolge sy magte en funksies voorsien of mag voorsien aan of tot die voordeel van die plaaslike gemeenskap ongeag daarvan of—

- (a) sodanige diens voorsien word, of voorsien gaan word, deur die munisipaliteit deur ’n interne meganisme soos beoog in artikel 76 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000) of deur betrokkenheid van ’n eksterne meganisme soos beoog in die genoemde artikel 76; en
- (b) koste, gelde of tariewe ten opsigte van sodanige diens gehef word, al dan nie;

“**munisipale eiendom**” sluit ’n eiendom in wat deur ’n munisipale entiteit besit word;

“**munisipale entiteit**” beteken—

- (a) ’n private maatskappy vermeld in artikel 86B(1)(a) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);
- (b) ’n diensmaatskappy; of
- (c) ’n multi-jurisdiksie diensmaatskappy;

“**munisipale rekening**” beteken ’n rekening wat gelewer word en waarop ’n bedrag of bedrae gefaktureer is wat aan die munisipaliteit verskuldig is vir eiendomsbelasting, gemeterde dienste, ander munisipale koste, heffings, gelde, boetes, rente, belastings of enige ander bedrag of bedrae betaalbaar voortspruitend uit enige ander aanspreeklikheid of verpligting;

“**munisipale tarief**” beteken ’n tarief vir dienste wat deur die munisipaliteit gestel word vir die voorsiening van ’n diens aan die plaaslike gemeenskap, soos ’n tarief gestel vir hoofdienste of ’n ondergeskikte tarief, en sluit in ’n bokoste op sodanige diens;

“**munisipaliteit**” beteken die Hessequa Munisipaliteit en sluit enige politieke struktuur, politieke ampsbekleër, raadslid, behoorlik gemagtigde agent daarvan of enige werknemer daarvan in handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid wat in die munisipaliteit berus en gedelegeer of gesubdelegeer is aan sodanige politieke struktuur, politieke ampsbekleër, raadslid, agent of werknemer;

“**markwaarde**” met betrekking tot ’n eiendom, beteken die waarde van die eiendom soos bepaal ooreenkomstig artikel 46 van die Wet op Eienomsbelasting, 2004;

“**okkupeerder**” beteken enige persoon wat enige perseel of ’n gedeelte daarvan okkupeer sonder inagneming van die titel waaronder die persoon die perseel okkupeer, en sluit in—

- (a) enige persoon wat daardie perseel werklik okkupeer;
- (b) enige persoon wat wettiglik daarop geregtig is om die perseel te okkupeer;
- (c) waar so ’n perseel onderverdeel is aan loseerders of verskeie huurders verhuur word, die persoon wat die huurgeld betaalbaar deur sodanige loseerders of huurders ontvang vir die persoon se eie rekening of as agent vir enige persoon wat daarop geregtig is of belange daarby het;
- (d) enige persoon wat in beheer is van of die perseel bestuur, en sluit in die agent van enige sodanige persoon wanneer die persoon nie in die Republiek van Suid-Afrika is nie of indien sy of haar verblyfplek onbekend is; en
- (e) die eienaar van daardie perseel;

“**onbetroubare klient**” sluit in ’n rekeninghouer wat volgens sy of haar betaal rekords in gebreke bly om sy of haar munisipale rekening op die finale betaaldatum te betaal of wat agterstallig is met betalings wat aan die munisipaliteit verskuldig is of wat met die metertoerusting, seëls of die verskaffing van munisipale dienste inmeng of peuter;

“**ondergeskikte tariewe**” beteken alle tariewe, heffings, gelde, huur of boetes wat deur die munisipaliteit gehef of opgelê word ten opsigte van dienste voorsien, anders as hoofdienste, en sluit in dienste bykomstig tot die voorsiening van hoofdienste;

“**openbaar beheer**” beteken besit deur of andersins onder beheer van ’n staatsorgaan, ingesluit ’n openbare entiteit gelys in die Wet op die Bestuur van Openbare Finansies, 1999 (Wet 1 van 1999), ’n munisipaliteit, of ’n munisipale entiteit;

“**openbare diensinfrastruktuur**” beteken openbare beheerde infrastruktuur van die volgende soort—

- (a) nasionale, provinsiale of ander openbare paaie waarop goedere, dienste of arbeid oor beweeg;
- (b) water en rioolpype, kanale en ander leidings, damme, watervoorsiening reservoars, water behandelingsaanlegte of waterpompe wat deel vorm van ’n water of riolering skema wat die publiek bedien;
- (c) kragstasies, krag substasies of kraglyne wat deel vorm van ’n elektrisiteit skema wat die publiek bedien;
- (d) gas of vloeibare brandstof aanlegte of raffinaderye of pyplyne vir gas en vloeibare brandstof wat deel vorm van die skema vir vervoer van sodanige brandstof;
- (e) spoorlyne wat deel vorm van ’n nasionale spoorwegstelsel;
- (f) kommunikasie torings, maste, skakelborde en lyne wat deel vorm van ’n kommunikasiestelsel wat die publiek bedien;
- (g) loopbane of aansitbane by nasionale of provinsiale lughawens;
- (h) breekwater, see walle, kanale, komme, kaai mure, jetties, paaie, spoorweg of infrastruktuur wat gebruik word vir die voorsiening van water, ligte, krag, riolering of soortgelyke dienste van hawens, of navigasie hulpmiddels behelsende vuurtorings, radio navigasie hulpmiddels, boeie, bakens of enige ander toestel of stelsel wat gebruik word om hulp te verleen met die veiligheid en doeltreffende navigasie van skeep;
- (i) enige ander openbare beheerde infrastruktuur soos deur wetgewing voorgeskryf mag word; en

(j) regte van toegang, padserwitute of serwitute met betrekking tot infrastruktuur genoem in paragrawe (a) tot (i);

“**perseel**” beteken enige stuk grond waarop die buitenste oppervlak grense aangedui is op—

- (a) ’n algemene plan of diagram wat ingevolge die Opmetingswet, 1927 (Wet 9 van 1927), of ingevolge die Wet op die Registrasie van Aktes, 1937 (Wet No. 47 van 1937) geregistreer is; of
- (b) ’n deelplan geregistreer ingevolge die Wet op Deeltitels, 1986 (Wet 95 van 1986) wat binne die regsgebied van die munisipaliteit geleë is; en
- (c) sluit in enige ander grond of gebou of struktuur bokant of onder die oppervlak van enige grond;

“**persoon**” sluit ’n regspersoon en ’n staatsorgaan in;

“**peuter**” beteken enige ongemagtigde inmenging met die munisipaliteit se toevoer, seëls en metertoerusting, en “**peutery**” het ’n soortgelyke betekenis;

“**plaaslike gemeenskap**” of “**gemeenskap**” in verhouding tot die munisipaliteit, beteken daardie liggaam van persone bestaande uit die inwoners van die munisipaliteit, die belastingbetalers van die munisipaliteit, enige burgerlike, nie-regering, private sektor of arbeidsorganisasies of liggame betrokke by plaaslike aangeleenthede van die munisipaliteit, en besoekers en ander persone woonagtig buite die munisipaliteit wie, as gevolg van hul teenwoordigheid in die munisipaliteit, gebruik maak van dienste of fasiliteite voorsien deur die munisipaliteit;

“**Raad**” beteken die raad van die Hessequa Munisipaliteit (of enige diensverskaffer van die munisipaliteit);

“**rekeninghouer**” beteken enige persoon wat ’n munisipale rekening staan te ontvang, insluitende ’n gebruiker van voorafbetaalde elektrisiteit of water;

“**rente**” beteken ’n bedrag wat bereken word teen ’n koers soos bepaal deur die munisipaliteit op ’n agterstallige munisipale rekening;

“**residensiële eiendom**” beteken ’n eiendom ingesluit in die waardasielys as residensieel ingevolge artikel 48(2)(b) van die Wet op Eiendomsbelasting, 2004;

“**staatsorgaan**” beteken ’n staatsorgaan soos omskryf in artikel 239 van die Grondwet;

“**staatstrustgrond**” beteken grond wat deur die staat besit en in trust gehou word vir persone wat gemeenskaplik die grond bewoon ingevolge ’n tradisionele stelsel van grondbesit, waarvoor grondbesit regte geregistreer of toegestaan is, of wat geormerk is vir wegdoening ingevolge die Wet op die Herstel van Grondregte, 1994 (Wet 22 van 1994);

“**tarief vir hoofdienste**” beteken tariewe gestel vir die voorsiening en verbruik of gebruik van hoofdienste;

“**teiken**” beteken realistiese teikens wat deur die munisipaliteit gestel mag word;

“**toelaatbare gebruik**” met betrekking tot eiendom, beteken die beperkte doeleindes waarvoor die eiendom gebruik mag word ingevolge enige beperkings opgelê deur ’n titelvoorwaarde, ’n bepaling van die munisipaliteit se stadsbeplanning of grondgebruikskema, of enige wetgewing van toepassing op enige spesifieke eiendom of eiendomme, of enige versagting van enige sodanige beperkings;

“**verbruiker**” beteken enige okkupeerder van enige perseel waartoe of waarop die munisipaliteit onderneem het om munisipale dienste te voorsien, of reeds voorsien, of, indien daar geen okkupeerder is nie, enige persoon met wie die munisipaliteit ’n diensooreenkoms aangegaan het vir die voorsiening van munisipale dienste tot sodanige perseel, of, indien daar geen sodanige persoon is nie, die eienaar van die perseel, en “**huishoudelike verbruiker**” of “**huishoudelike gebruiker**” van munisipale dienste beteken die persoon of huishouding waaraan munisipale dienste ten opsigte van residensiële eiendom voorsien word;

“**verbruikersprysindeks**” beteken die verbruikersprysindeks (VPIX) soos bepaal en gepubliseer deur die Suid-Afrikaanse Buro van Standaarde;

“**voorkeur klant**” beteken ’n persoon aan wie die munisipaliteit spesiale toegewings mag maak.

HOOFSTUK I

KLANTESORG BEGINSELS, OOGMERKE EN IMPLEMENTERING, EN ONDERSKEIDING

2. Klantesorg beginsels en oogmerke

(1) Die munisipaliteit se oogmerk is—

- (a) om progressief te beweeg na die sosiale en ekonomiese opheffing van die gemeenskap in harmonie met sy natuurlike omgewing;
- (b) om basiese dienste wat bekostigbaar is aan al sy mense en spesifiek aan die armes en minderbevoorregtes te voorsien, op voorwaarde dat waar van toepassing diensgelde, eiendomsbelasting, gemeterde dienste, ander munisipale koste, heffings, gelde, boetes, rente, belastings of enige ander bedrag of bedrae verskuldig voortspruitend uit enige ander aanspreeklikheid of verpligting, betaal word;
- (c) om die gemeenskap aktief te betrek by die sake van die munisipaliteit, in besonder by beplanning, dienslewering en prestasiebestuur;
- (d) om effektiewe, doelmatige en deursigtige administrasie wat in ooreenstemming is met grondwetlike beginsels, te voorsien;
- (e) om te verseker dat die munisipaliteit finansiële en ekonomies volhoubaar is; en
- (f) om ’n samewerkende verhouding tussen die munisipaliteit en die gemeenskap te skep deur die erkenning van wedersydse regte en pligte.

(2) Die munisipaliteit formuleer, reguleer oor en implementeer ingevolge hierdie verordening ’n klantesorg en bestuurstelsel soos beoog in artikel 95 van die Wet op Plaaslike Regering : Munisipale Stelsels, 2000.

3. Munisipale bestuurder verantwoordelike beampte

Die munisipale bestuurder—

- (a) is aan die Uitvoerende Burgemeester verantwoordelik vir die implementering en uitvoering van die bepalings van hierdie verordening;
- (b) moet, vir die doeleindes van paragraaf (a), die nodige stappe doen om die bepalings van hierdie verordening te implementeer en uit te voer;
- (c) is aan die Uitvoerende Burgemeester verantwoordelik vir die ooreengekome prestasie teikens soos deur die munisipaliteit goedgekeur, en vir hierdie doeleindes moet—
 - (i) aan die Uitvoerende Burgemeester verslag doen oor sake betreffende hierdie verordening, insluitende maar nie beperk tot—

- (aa) die doeltreffendheid van administratiewe meganismes, hulpbronne, prosesse en prosedures om gelde wat aan die munisipaliteit verksuldig en betaalbaar is, in te vorder;
- (bb) rekening inligting, insluitende die aantal rekeninghouers, toename, kontantvloei en klantebestuur;
- (cc) die tevredenheid vlakke van rekeninghouers betreffende gelewerde dienste; en
- (dd) die doeltreffendheid van die munisipaliteit se armoedeverligting maatreëls; en
- (ii) rekeninghouers aanmoedig en op druk uitoefen, waar nodig, om uitstaande rekeninge te vereffen binne die strekking van hierdie verordening; en
- (iii) met die instemming van 'n rekeninghouer, 'n ooreenkoms met die rekeninghouer se werkgewer aangaan om van die salaris of loon van die rekeninghouer af te trek—
 - (aa) enige uitstaande bedrag soos ooreengekom; of
 - (bb) sodanige gereelde maandelikse bedrae soos ooreengekom, en mag spesiale aansporings vir werkgewers voorsien om sodanige ooreenkomste aan te gaan, en werknemers om in te stem tot sodanige ooreenkomste.

4. Onderskeiding tussen klante en vrystellings

(1) Ooreenkomstig die beginsels vervat in die Grondwet en die bepalings van artikels 6 en 8 van die Wet op Eiendomsbelasting, 2004 en artikels 74(3) en 75 van die Wet op Plaaslike Regering; Munisipale Stelsels, 2000 mag die munisipaliteit onderskei tussen verskillende kategorieë van gebruikers en verbruikers ten opsigte van die tariewe wat gehê word, kategorieë van belastingbetalers, rekeninghouers, klante, debiteure, belastings, dienste, diensstandaarde en ander aangeleenthede, met dien verstande dat sodanige onderskeidings te alle tye redelik is en volledig in elke jaarlikse begroting openbaar gemaak word.

(2) Die munisipaliteit mag 'n rekeninghouer, kategorie van rekeninghouers of ander persone skriftelik van die nakoming van 'n bepaling van hierdie verordening vrystel, onderhewig aan enige voorwaardes wat dit mag opleë, indien die toepassing of uitvoering van daardie bepaling onredelik blyk te wees, met dien verstande dat die munisipaliteit of sy gemagtigde agent nie vrystelling van enige bepaling van hierdie verordening mag verleen nie wat aanleiding mag gee tot—

- (a) die verkwisting of buitensporige gebruik van water of elektrisiteit;
- (b) die vermyding of ontduiking wat water- of elektrisiteitsbeperkings;
- (c) betekenisvolle negatiewe uitwerking op openbare gesondheid, veiligheid of die omgewing;
- (d) die nie-betaling van dienste;
- (e) die installering van pype en bybehorels wat nie aanvaarbaar is ingevolge die munisipaliteit se voorgeskrewe standarde nie; of
- (f) nie-nakoming van enige Wet of enige regulasie daarvolgens uitgevaardig.

(3) Die munisipaliteit of sy gevormagtigde agent mag te enige tyd nadat ten minste 30 dae skriftelike kennis gegee is, enige vrystelling wat kragtens subartikel (2) toegestaan is, terugtrek.

HOOFSTUK 2

VERSKAFFING VAN MUNISIPALE DIENSTE

Deel 1

Aansoek vir voorsiening van dienste en diensooreenkomste, deposito's, rekeninge en betaling en beëindiging van diensooreenkomste

5. Aansoek vir voorsiening van munisipale dienste en diensooreenkomste

(1) Enige aansoek vir enige voorsiening van dienste aan enige perseel moet by die munisipale kantore gedoen word ten minste vier werksdae, of sodanige korter periode soos vir die munisipaliteit aanvaarbaar mag wees, voordat die dienste verlang word en moet voldoen aan die voorwaardes bepaal deur die munisipale bestuurder.

(2) Na in werkingstelling van hierdie verordening mag slegs die eienaar van 'n eiendom of sy of haar behoorlik gemagtigde agent namens hom of haar aansoek doen vir die voorsiening van munisipale dienste aan 'n eiendom.

(3) Geen dienste sal voorsien word tensy en totdat 'n aansoek deur die eienaar gedoen is en 'n diensooreenkoms in die formaat voorgeskryf deur die munisipaliteit aangegaan is en 'n deposito soos voorsien in artikel 6, betaal is.

6. Deposito's

(1) By goedkeuring van die aansoek en voordat die diens beskikbaar gestel word, mag die munisipaliteit van die aansoeker vereis—

- (a) om by die munisipaliteit 'n som geld te deponeer vir munisipale dienste;
- (b) om enige ander vorm van sekuriteit te voorsien; of
- (c) om in te stem tot spesiale voorwaardes betreffende die betaling van die munisipale rekening, en gelde as sodanig by die munisipaliteit gedeponeer dien as sekuriteit.

(2) Die munisipale bestuurder behou die reg voor om die som geld gedeponeer of die bedrag waarvoor addisionele sekuriteit verlang word, te hersien.

(3) Die munisipale bestuurder mag ten opsigte van voorkeur klante, verslapping van die voorwaardes van toepassing op deposito's soos uiteengesit in subartikels (1) en (2), oorweeg.

(4) By beëindiging van die diensverskaffing moet die bedrag van sodanige deposito's, minus enige betalings verksuldig aan die munisipaliteit, aan 'n rekeninghouer terugbetaal word.

7. Rekeninge en betaling

(1) Die rekeninghouer moet alle bedrae aan die munisipaliteit verksuldig soos aangedui op die munisipale rekening, betaal en die onus is op die rekeninghouer om die akkuraatheid van sodanige rekening te verifieer.

- (2) 'n Rekeninghouer moet betaal vir gemeterde dienste en moet die eiendomsbelasting, ander munisipale koste, heffings, tariewe, boetes, rente, belastings of enige ander aanspreeklikheid of verpligting vanaf die datum van oorsprong van sodanige munisipale tariewe tot die geskrewe beëindiging van die dienste, betaal.
- (3) 'n Rekeninghouer—
- (a) moet, waar moontlik, een rekening gelewer word waarop die finale datum vir vereffening van die totale bedrag verskuldig uiteengesit word, onderhewig aan die bepalings van subartikel (14); en
- (b) moet maandeliks in siklusse van ongeveer 30 dae gefatureer word.
- (4) Betaling moet op of voor sluitingstyd op die finale dag vir betaling ontvang word.
- (5) Betaling wat deur middel van die elektroniese media of enige van die diensverskaffers deur die munisipaliteit aangestel om betalings namens dit te ontvang gemaak word, moet binne ten minste vier werksdae voor die finale datum gemaak sodat die betaling geprosesseer kan word, en rente word gehef indien die munisipaliteit betaling ontvang na die finale datum vir betaling.
- (6) Waar die rekeninghouer 'n rekening deur middel van 'n diensverskaffer betaal binne vier of meer werksdae voor die finale datum vir betaling, en sodanige diensverskaffer versuim om die munisipaliteit van die betrokke betalingsbesonderhede te voorsien, mag sodanige diensverskaffer aanspreeklik gehou word vir alle koste wat deur die munisipaliteit aangegaan is om die agterstallige bedrag wat verkeerdlik op die rekening van die rekeninghouer verskyn te verhaal, asook vir rente heffings.
- (7) Die munisipaliteit mag die hoeveelheid gemeterde dienste wat in 'n tydperk of tydperke binne die interval tussen werklik agtereenvolgende lesings voorsien is beraam, welke interval nie 4 maande mag oorskry nie, en mag 'n rekening aan die rekeninghouer lewer vir die hoeveelheid gemeterde dienste wat aldus beraam is.
- (8) Indien 'n rekeninghouer ontevrede is met 'n rekening wat gelewer is vir gemeterde dienste wat deur die munisipaliteit verskaf is, mag sodanige rekeninghouer, voor die finale datum vir betaling wat daarop verskyn, beswaar aanteken teen die rekening, met redes uiteengesit vir sodanige ontevredeheid.
- (9) Indien enige dispuut ontstaan ten opsigte van die bedrag wat deur 'n rekeninghouer verskuldig is, en onderworpe aan die bepalings van artikel 102 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000), moet die rekeninghouer ten spyte van sodanige dispuut voortgaan om gereelde betalings te maak teen die finale datum vir betaling, gebaseer op die berekening van die gemiddelde munisipale rekening vir die voorafgaande drie maande voor ontstaan van die dispuut, met in aanmerking geneem rente op die rekening asook die jaarlikse wysigings van tariewe van die munisipaliteit.
- (10) 'n Fout of weglating op enige rekening of versuim om 'n rekening te lewer stel nie die rekeninghouer vry van die verpligting om teen die finale datum te betaal nie.
- (11) Indien 'n rekeninghouer water of elektrisiteit gebruik vir 'n gebruikskategorie anders as wat deur die munisipaliteit voorsien word en as gevolg waarvan geen koste gehef word vir water of elektrisiteit sodanig gebruik, of koste gehef word vir die water of elektrisiteit teen 'n tarief laer as waarvoor die rekeninghouer aangeslaan moet word, is die rekeninghouer aanspreeklik vir die bedrag wat verskuldig is aan die munisipaliteit ooreenkomstig die voorgeskrewe koste ten opsigte van—
- (a) die hoeveelheid water of elektrisiteit wat die rekeninghouer gebruik het en waarvoor koste nie teen die rekeninghouer gehef is nie; of
- (b) die verskil tussen die koste van die water of elektrisiteit wat deur die rekeninghouer gebruik is teen die tarief wat teen die rekeninghouer gehef is en die koste van die water of elektrisiteit teen die tarief wat teen die rekeninghouer gehef moes word.
- (12) 'n Rekeninghouer is nie geregtig op 'n vermindering in die bedrag wat betaalbaar is vir gemeterde dienste wat verlore gegaan het as gevolg van 'n foutiewe meter nie, tot tyd en wyl die voorwaardes van artikel 13(8)(c) nagekom is.
- (13) Die munisipaliteit mag—
- (a) enige afsonderlike rekeninge van 'n rekeninghouer wat vir betaling aan die munisipaliteit verskuldig is, konsolideer; en
- (b) enige betaling deur 'n rekeninghouer krediteer teen enige skuld van so 'n rekeninghouer.
- (14) Die eienaar van eiendom mag 'n ooreenkoms met die munisipaliteit aangaan ingevolge waarvan betaling van eiendomsbelasting jaarliks geskied, in welke geval betaling gemaak moet word voor of op die datum bepaal deur die munisipaliteit.

8. Beëindiging van diensooreenkoms

- (1) Die voorneme om 'n diensooreenkoms te beëindig moet skriftelik aan die ander party oorgedra word.
- (2) Waar 'n eiendom verkoop is, mag 'n eienaar 'n diensooreenkoms beëindig deur nie minder nie as vier werksdae skriftelike kennisgewing aan die munisipaliteit te gee.
- (3) Die munisipaliteit mag deur skriftelike kennisgewing van nie minder nie as vier werksdae, 'n rekeninghouer in kennis stel van die beëindiging van die ooreenkoms vir die lewering van munisipale dienste indien—
- (a) die rekeninghouer hierdie verordening oortree het en nagelaat het om sodanige oortreding reg te stel; of
- (b) die munisipaliteit nie kan voortgaan om munisipale dienste aan die rekeninghouer te voorsien nie, as gevolg van 'n ooreenkoms met 'n ander owerheid wat in die toekoms sodanige dienste aan die rekeninghouer moet voorsien.

Deel 2

Nie-betaling van munisipale rekeninge

9. Reëlings vir betalings

- (1) Sou 'n rekeninghouer, voordat enige van die stappe ingevolge artikel 11 geneem is, nie in staat wees om die munisipale rekening ten volle te betaal nie, mag die rekeninghouer die munisipaliteit nader met die doel om korttermyn reëlings te tref vir die vereffening van die rekening.
- (2) Indien 'n rekeninghouer, nadat enige stappe ingevolge artikel 13 geneem is, probleme ondervind om die munisipale rekening te betaal, mag die rekeninghouer die munisipaliteit nader met die doel om reëlings te tref vir die vereffening van die rekening, en die rekeninghouer moet 'n skriftelike ooreenkoms met die munisipaliteit aangaan om die uitstaande en verskuldigde bedrag aan die munisipaliteit te vergoed volgens die voorwaardes en op die basis bepaal deur die munisipale bestuurder.
- (3) Die skriftelike ooreenkoms moet namens die munisipaliteit deur 'n behoorlik gemagtigde beampte onderteken word.

(4) In die geval waar reëlins vir betaling getref is mag die munisipaliteit—

- (a) die deposito hersien;
- (b) van die rekeninghouer vereis om per stoporder of debietorder te betaal;
- (c) van die rekeninghouer vereis om oor te skakel na 'n voorafbetaalde meterstelsel; of
- (d) enige ander vorm van sekuriteit vereis, ingesluit persoonlike borgtog deur die direkteure of lede van 'n maatskappy, beslote korporasie, trust of beheerliggaam.

10. Rente op agterstallige munisipale rekeninge

- (1) Die munisipaliteit mag rente hef of verhaal teen 'n koers deur dit bepaal ten opsigte van enige agterstallige bedrae wat verskuldig en betaalbaar is.
- (2) Ongeag die rede vir nie-betaling, of waar 'n reëling getref is ingevolge artikel 9, is rente verskuldig indien 'n rekening onbetaal is.
- (3) Rente word maandeliks bereken teen die rentekoers wat deur die munisipaliteit goedgekeur is, en 'n gedeelte van 'n maand word gereken as 'n maand.
- (4) Rente is betaalbaar indien betaling nie by 'n kantoor van die munisipaliteit ontvang word of tot die krediet van die bankrekening van die munisipaliteit teen die sluiting van besigheid op die finale betaaldatum.

11. Meganismes vir skuldinvordering

- (1) Waar toepaslik, moet die munisipaliteit te alle tye poog om 'n rekeninghouer in kennis te stel van voornemens om 'n diens te diskonnekteer of te beperk, en die volgende meganismes mag gebruik word indien 'n rekeninghouer versuim om 'n rekening te betaal teen die finale betaaldatum:
 - (a) aflewering of pos van 'n finale aanmaning met 'n verduideliking aan die rekeninghouer van die stand van die rekening en die gevolge van nie-betaling of 'n reëling nie getref is nie;
 - (b) die rekeninghouer woordeliks, skriftelik, telefonies of elektronies in kennis stel van die agterstallige bedrag en die voorneme om dienste te beëindig of te beperk;
 - (c) beëindiging of beperking van die verskaffing van munisipale dienste aan die perseel en diening van 'n beëindigings- of beperkingskennisgewing aan die rekeninghouer; of
 - (d) die munisipale rekening van die rekeninghouer debiteer met al die betrokke heffings en boetes goedgekeur deur die munisipaliteit.
- (2) Waar die gemeterde gebruik beëindig of beperk is, en indien die rekeninghouer steeds versuim om die rekening te betaal, mag die perseel met gereelde tussenposes herbesoek word om te verseker dat die gemeterde verskaffing beëindig of beperk bly, en indien daar gevind word dat die dienste wat voorheen beëindig of beperk is, weer herstel is—
 - (a) het die munisipaliteit die reg om enige stappe te doen wat vereis word ingevolge artikel 30, en die rekeninghouer is verantwoordelik vir die betrokke heffings of koste of skade wat gelyk is;
 - (b) mag die munisipaliteit weier om dienste te verskaf vir 'n tydperk soos deur die munisipaliteit bepaal; en
 - (c) mag die munisipaliteit in die geval van die gebruik van 'n voorafbetaalde meettoestel, die verdere verkoop van voorafbetaalde dienste staak.
- (3) Waar 'n behoorlik gemagtigde beampte van die munisipaliteit die perseel besoek het met die doel om die dienste te beëindig of te beperk en belemmer of verhinder is om sodanige beëindiging of beperking uit te voer, word 'n bedrag gelyk aan die voorgeskrewe koste vir 'n heraansluiting betaalbaar vir elke besoek wat nodig is vir die doel van sodanige beëindiging of beperking, onderhewig aan 'n maksimum van twee sodanige besoeke waartydens beëindiging of beperking nie uitgevoer kon word nie.
- (4) Die munisipaliteit mag enige een of meer van die volgende meganismes gebruik om volle betaling van enige verskuldigde bedrae te verseker:
 - (a) van die rekeninghouer vereis om na 'n ander meterstelsel oor te skakel;
 - (b) toewysing van 'n gedeelte van enige voorafbetaalde betalings na ander skulde;
 - (c) publikasie van 'n lys van rekeninghouders wat in verstek bly;
 - (d) weerhouding van betaling van 'n hulptoelae en onderworpe aan die bepalings van artikel 32, die rekeninghouer uitsluit van die tenderproses;
 - (e) weerhouding van betaling op kontrakte vir die vereffening van die munisipale rekening;
 - (f) hersiening en wysiging van die voorwaardes van die diensooreenkoms;
 - (g) instelling van geregtelike stappe vir invordering van die skuld;
 - (h) die rekeninghouer klassifiseer as 'n onbetroubare klant;
 - (i) gebruik maak van eksterne skuldinvordering spesialiste of agente;
 - (j) aandringing op omskakeling na 'n voorafbetaalde meettoestel op koste van die rekeninghouer; of
 - (k) enige ander metodes deur die munisipaliteit soos van tyd tot tyd gemagtig om agterstallige bedrae in te vorder.
- (5) Die koste van invordering, waar van toepassing, is vir die rekening van die rekeninghouer.
- (6) Onderhewig aan die bepalings van artikels 28 en 29 van die Wet op Eiendomsbelasting, 2004 (Wet 6 van 2004), bly die reg van krag om dienste te weier, te beperk, af te sluit of te beëindig weens die nie-betaling van enige eiendomsbelasting, gemeterde dienste, ander munisipale koste, heffings, tariewe, boetes, rente, belastings of enige ander bedrag of bedrae wat betaalbaar is voortspruitend uit enige aanspreeklikheid of verpligting, nietaenstaande die feit dat—
 - (a) betaling bedoel was vir enige spesifieke diens; of
 - (b) die persoon wat 'n diensooreenkoms vir die verskaffing van dienste met die munisipaliteit aangegaan het en die eenaar verskillende entiteite of persone is, soos die geval mag wees.

*Deel 3**Metertoerusting en meting van dienste***12. Algemene betalings**

Die munisipaliteit mag verskeie metertoerusting bekendstel en mag 'n rekeninghouer aanmoedig om na 'n stelsel oor te skakel wat tot voordeel van die munisipaliteit en rekeninghouders sal wees.

13. Metertoerusting en meting van verbruik

- (1) Die munisipaliteit moet, op koste van die verbruiker by wyse van 'n direkte heffing of voorgeskrewe gelde, toepaslike tarief metertoerusting by die metingspunt vir die meet van gemeterde dienste voorsien, installeer en onderhou.
- (2) Die munisipaliteit behou die reg om gemeterde dienste na 'n blok winkels, woonstelle, deelhuise en soortgelyke geboue vir die gebou as 'n geheel, of vir 'n individuele eenheid, of vir 'n groep eenhede, te voorsien.
- (3) Waar enige gebou waarna in subartikel (2) verwys word deur die munisipaliteit as 'n geheel van gemeterde dienste voorsien word—
 - (a) mag die eienaar, op eie koste, toepaslike sub-metertoerusting vir elke winkel, woonstel of deelhuis verskaf en installeer; of
 - (b) mag die munisipaliteit, op koste van die eienaar, vereis dat 'n meter vir elke eenheid op enige perseel wat afsonderlik bewoon word, geïnstalleer word, ten einde die hoeveelheid gemeterde dienste wat aan elke eenheid verskaf word, te bepaal.
- (4) Waar die elektrisiteit wat deur verbruikers gebruik word teen verskillende tariewe gehef word, moet die verbruik afsonderlik vir elke tarief gemeet word.
- (5) Waar sub-metertoerusting geïnstalleer is, moet voorsiening apart van die munisipaliteit se metertoerusting gemaak word, waar toepaslik.
- (6) Behalwe in die geval van voorafbetaalde meters, word die hoeveelheid gemeterde dienste wat deur 'n verbruiker gebruik word gedurende enige meetperiode bepaal deur lesing van die toepaslike meter of meters wat deur die munisipaliteit verskaf en geïnstalleer is, op die begin en einde van sodanige meetperiode, behalwe waar die metertoerusting foutief gevind is.
- (7) Vir doeleindes van berekening van die bedrag wat verskuldig en betaalbaar is vir die hoeveelheid gemeterde dienste wat gebruik is, word geag dat dieselfde bedrag vir gemeterde dienste verbruik is gedurende elke tydperk van 24 uur tussen lesings.
- (8) Die volgende is van toepassing ten opsigte van die akkuraatheid van meting:
 - (a) 'n meter word afdoende geag om akkuraat te registreer indien sy foute, wanneer getoets op die wyse voorgeskryf in subartikel (13), binne perke van die fout is soos voorsien in die toepaslike standaardspesifikasies;
 - (b) die munisipaliteit het die reg om sy metertoerusting te toets, en indien deur middel van toetsing of andersins vasgestel word dat sodanige metertoerusting foutief is, moet die munisipaliteit—
 - (i) in die geval van 'n kredietmeter, die rekening gelewer regstel; of
 - (ii) in die geval van voorafbetaalde meters:
 - (aa) 'n rekening lewer waar die meter onderregistreer; of
 - (bb) 'n gratis bewys uitreik waar die meter oorreregistreer; en
 - (c) die verbruiker is geregtig om die metertoerusting deur die munisipaliteit te laat toets by betaling van die voorgeskrewe gelde, en indien gevind word dat die metertoerusting nie voldoen aan die vereistes vir stelsel akkuraatheid soos in die toepaslike standaardspesifikasies voorsiening gemaak word nie, moet 'n regstelling ingevolge paragraaf (b) en subartikel (7) gemaak word en die voornoemde gelde moet terugbetaal word.
- (9) Geen veranderinge, herstelwerk, toevoegings of aansluitings van enige aard mag aan die verskaffing kant van die metingspunt aangebring word nie, tensy spesifiek skriftelik deur die munisipale bestuurder goedgekeur.
- (10) Alvorens die munisipaliteit enige opwaartse aanpassing van 'n rekening ingevolge subartikel (8)(b) maak, moet die munisipaliteit—
 - (a) die verbruiker skriftelik in kennis stel van die geldwaarde van die aanpassing wat gemaak gaan word en die redes daarvoor;
 - (b) in sodanige kennisgewing voldoende besonderhede voorsien om die verbruiker in staat te stel om vertoë daarop te rig;
 - (c) in sodanige kennisgewing die verbruiker versoek om binne 21 dae of sodanige langer tydperk wat die munisipaliteit mag toegelaat, dit van skriftelike redes, indien enige, te voorsien waarom die rekening nie aangepas moet word soos aangedui nie, en indien die verbruiker versuim om enige vertoë gedurende die tydperk te rig is die munisipaliteit geregtig om die rekening aan te pas soos aangedui in paragraaf (a).
- (11) Die munisipaliteit moet enige vertoë oorweeg wat ingevolge subartikel (10) deur die verbruiker voorsien is en mag die rekening toepaslik aanpas.
- (12) Indien die munisipale bestuurder besluit dat sodanige vertoë nie bewys lewer wat 'n wysiging van die geldwaarde bepaal ingevolge subartikel (15) geregverdig nie, is die munisipaliteit geregtig om die rekening aan te pas soos ingevolge subartikel (10)(a) aangedui, en het die verbruiker die reg om appèl aan te teken teen die besluit van die beampte ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Strukture, 2000 (Wet 32 van 2000).
- (13) Meters word getoets op die wyse voorsien in die toepaslike standaardspesifikasies.
- (14) Wanneer 'n aanpassing gemaak word aan die verbruik geregistreer op 'n meter ingevolge subartikel (8)(b) of (8)(c), word sodanige aanpassing gebaseer op die foutpersentasie van die meter soos bepaal deur die toets waarna in subartikel (13) verwys word, of op 'n berekening deur die munisipaliteit van verbruiksdata in sy besit, en waar van toepassing, moet toegewings gemaak word vir seisoenale of ander variasies wat verbruik mag beïnvloed, waar moontlik.
- (15) Wanneer 'n aanpassing gemaak is soos beoog in subartikel (14), mag die aanpassing nie 'n tydperk van ses maande voor die datum waarop die metertoerusting as onakkuraat bevind is, oorskry nie, met dien verstande dat die toepassing van hierdie subartikel nie 'n verbruiker verhoed om oorbetalings terug te eis vir enige langer tydperk waar die verbruiker in staat is om die eis te bewys deur middel van die normale regsproses nie.
- (16) Die munisipaliteit mag wegdoen met die gebruik van 'n meter in die geval van—
 - (a) 'n outomatiese sprinkelbrandinstallasie; of

- (b) spesiale omstandighede wat sodanige wegdoening mag regverdig.
- (17) Die munisipaliteit mag by kennisgewing—
- (a) die verbruik van gemeterde dienste verbied of beperk—
- (i) vir spesifieke of nie-spesifieke doeleindes;
 - (ii) gedurende gespesifiseerde ure van die dag of op gespesifiseerde dae of andersins dan gedurende gespesifiseerde ure van die dag of op gespesifiseerde dae; en
 - (iii) in 'n gespesifiseerde of nie-gespesifiseerde wyse
- (b) bepaal en oplê—
- (i) perke op die hoeveelheid gemeterde dienste wat oor 'n gespesifiseerde periode verbruik mag word;
 - (ii) koste addisioneel tot daardie voorgeskryf ten opsigte van die voorsiening van gemeterde dienste bokant die perk beoog in subparagraaf (i); en
 - (iii) 'n algemene bo-koste op die voorgeskrewe kostes ten opsigte van die voorsiening van gemeterde dienste; en
- (c) beperkings of voorbehoude oplê op die gebruik of wyse van gebruik of dispoisie van 'n toestel by wyse waarvan gemeterde dienste gebruik of verbruik word, of op die aansluiting van sodanige toestel.
- (18) Die munisipaliteit mag die toepassing van die bepalings van 'n kennisgewing gepubliseer ingevolge subartikel (17) beperk tot gespesifiseerde gebiede en klasse van rekeninghouers, persele en aktiwiteite, en mag voorsiening maak vir die munisipaliteit om afwykings en vrystellings van, en die verslapping van enige van die bepalings, toe te laat.
- (19) Ten einde voldoening aan 'n kennisgewing gepubliseer ingevolge subartikel (17) te verseker, mag die munisipaliteit neem, of per skriftelike kennis van 'n rekeninghouer op die rekeninghouer se koste vereis om te neem, sodanige maatreëls, ingesluit die installering van metingstoestelle en toestelle vir beperking van die vloei van gemeterde dienste, soos nodig mag wees.
- (20) Addisioneel tot die persoon deur wie se handeling of versuim 'n oortreding van, of gebrek om te voldoen aan, die terme van 'n kennisgewing gepubliseer ingevolge subartikel (17) werklik begaan is, word dit vermoed dat die rekeninghouer ten opsigte van die persele waaraan gemeterde dienste voorsien is, ook die oortreding begaan het of versuim het om daaraan te voldoen, tensy bewys gelewer word dat die rekeninghouer alle redelike stappe geneem het om sodanige oortreding of versuim deur enige ander persoon te voorkom, met dien verstande dat die feit dat die rekeninghouer opdrag aan die ander persoon gegee het nie in sigself aanvaar sal word as voldoende bewys dat die rekeninghouer alle sodanige stappe geneem het nie.
- (21) Die bepalings van hierdie artikel is ook van toepassing ten opsigte van gemeterde dienste wat direk deur die munisipaliteit aan rekeninghouers buite sy regsgebied voorsien word, nieteenstaande enigiets tot die teendeel in die voorwaardes wat sodanige voorsiening beheer, tensy andersins gespesifiseer in die kennisgewing gepubliseer ingevolge subartikel (17).
- (22) Indien handeling as 'n saak van dringendheid nodig is om die vermorsing van gemeterde dienste, vullis of riolering, skade aan eiendom, lewensgevaar of waterbesoedeling te voorkom, mag die munisipaliteit—
- (a) sonder vooraf kennis die voorsiening van gemeterde dienste aan enige perseel diskonnekteer; en
 - (b) sodanige perseel betree en noodsaaklike werk verrig, soos dit mag goeddink, en addisioneel per skriftelike kennisgewing van die rekeninghouer vereis om binne 'n gespesifiseerde periode sodanige verdere werk te verrig soos wat die munisipaliteit mag nodig ag.
- (23) Die munisipaliteit mag van die rekeninghouer die koste van enige werk onderneem ingevolge subartikel 22(b) verhaal waar sodanige werk onderneem was as gevolg van 'n onwettige handeling of versuim deur die rekeninghouer.
- (24) Voordat enige gemeterde of voorafbetaalde gemeterde voorsienings wat gediskonnekteer of beperk was weens nie-betaling herstel word, moet 'n rekeninghouer alle gelde en koste soos deur die munisipaliteit bepaal, betaal.
- (25) Die munisipaliteit mag op die skriftelike versoek van 'n rekeninghouer en op die datums versoek deur die rekeninghouer—
- (a) die toevoer van gemeterde dienste na die rekeninghouer se perseel diskonnekteer; en
 - (b) by betaling van die voorgeskrewe koste vir herstelling, die toevoer vir die voorsiening van sodanige dienste herstel.
- (26) Na diskonnektering vir nie-betaling van 'n rekening of 'n oortreding van enige van die bepalings van hierdie verordening, moet die voorgeskrewe gelde betaal word voordat 'n heraansluiting gemaak word.
- (27) Die volgende is van toepassing by die lees van krediet meters:
- (a) tensy andersins voorgeskryf, word krediet meters normaalweg gelees met intervalle van ongeveer een maand en die vaste of minimum koste verskuldig ingevolge die tarief word dienoreenkomstig bereken, en die munisipaliteit is nie verplig om enige aanpassings te maak ten opsigte van sodanige koste nie;
 - (b) indien die kredietmeter nie gelees kan word nie, vir watter rede ook al, mag die munisipaliteit 'n beraamde rekening lewer, en die beraamde verbruik moet aangepas word in 'n daaropvolgende rekening ooreenkomstig die hoeveelheid wat werklik verbruik is;
 - (c) wanneer 'n rekeninghouer 'n perseel ontruim en 'n finale lesing van die meter nie moontlik is nie, mag 'n beraming van die verbruik gemaak word en die finale rekening dienoreenkomstig gelewer word;
 - (d) indien 'n spesiale lesing van die meter deur 'n verbruiker verlang word, kan dit verkry word teen betaling van die voorgeskrewe gelde; en
 - (e) indien enige berekening, lesing of metingsfout gevind word ten opsigte van enige rekening wat aan 'n verbruiker gelewer is—
 - (i) moet die fout in daaropvolgende rekenings reggestel word;
 - (ii) is enige sodanige regstelling slegs van toepassing ten opsigte van rekeninge vir 'n tydperk van ses maande wat die datum waarop die fout op die rekeninge ontdek is, voorafgaan;
 - (iii) word die regstelling gebaseer op die werklike tariewe van toepassing gedurende die periode; en
 - (iv) verhoed die toepassing van hierdie artikel nie 'n verbruiker om oorbetalings vir enige langer tydperk terug te eis waar die verbruiker in staat is om die eis deur middel van die normale regsproses te bewys nie.

(28) Die volgende is van toepassing op voorafbetaalde metering:

- (a) geen terugbetaling van die bedrag wat aangebied is vir die koop van krediet vir elektrisiteit of water word by die verkooppunt gegee nadat die proses in aanvang geneem het vir die uitreiking van die voorafbetaalde meterbewys, met dien verstande dat hierdie artikel nie van toepassing sal wees op Standaard Oordrag Spesifikasie toerusting (SOS bewyse);
- (b) afskrifte van voorheen uitgereikte bewyse vir die oordrag van krediet na die voorafbetaalde meter mag op versoek van die verbruiker uitgereik word;
- (c) wanneer 'n rekeninghouer enige perseel ontruim waar 'n voorafbetaalde meter geïnstalleer is, word geen terugbetaling vir die oorblywende krediet op die meter deur die munisipaliteit aan die eienaar gemaak nie;
- (d) die munisipaliteit is nie aanspreeklik vir die herstelling van krediet op 'n voorafbetaalde meter wat verlore gegaan het weens peustering met, of die verkeerde gebruik of die misbruik van, voorafbetaalde meters of bewyse nie;
- (e) waar 'n rekeninghouer enige eiendomsbelasting, gemeterde dienste, ander munisipale koste, heffings, gelde, boetes, rente, belastings of enige ander bedrag of bedrae aan die munisipaliteit verskuldig is voortspruitend uit enige aanspreeklikheid of verpligting, mag die munisipaliteit 'n persentasie van die bedrag wat deur die rekeninghouer aangebied word, aftrek ter afflossing van die bedrag wat aan die munisipaliteit verskuldig is; en
- (f) die munisipaliteit mag verkopers aanstel vir die verkoop van krediet vir voorafbetaalde meters en waarborg nie die voortgesette bedryf van enige verkoper nie.

14. Herverkoop van water of elektrisiteit

- (1) Geen rekeninghouer aan wie gemeterde dienste ingevolge hierdie verordening voorsien word, mag water of elektrisiteit verkoop of voorsien aan enige ander persoon of persone vir sodanige gebruik op enige perseel anders as daardie ten opsigte waarvan sodanige ooreenkoms gemaak is, of toelaat of aanbied dat sodanige herverkoop of voorsiening gemaak word, tensy vooraf toestemming van die munisipaliteit verkry is.
- (2) Indien die munisipaliteit die toestemming ingevolge subartikel (1) verleen, mag dit die maksimum bedrag waarteen die water of elektrisiteit verkoop mag word bepaal en enige sodanige ander voorwaardes op lê soos wat dit nodig ag.
- (3) Die toestemming bedoel in subartikel (1) mag te enige tyd teruggetrek word
- (4) Waar water of elektrisiteit herverkoop word vir gebruik op dieselfde perseel, moet sodanige herverkoop in ooreenstemming wees met die tarief en onderhewig aan sodanige voorwaardes soos die munisipaliteit mag op lê.

Deel 4

Maatreëls vir armoedeverligting

15. Vereistes vir bystand aan hulpbehoewendes

- (1) Om te kwalifiseer vir hulpverlening moet die volgende vereistes nagekom word:
 - (a) die aansoeker moet 'n rekeninghouer wees;
 - (b) die aansoeker moet voor 'n datum soos deur die munisipaliteit bepaal, jaarliks, of met sodanige intervalle soos deur die munisipaliteit bepaal, aansoek doen vir die status om as 'n arm huishouding geklassifiseer te word, en vir hierdie doel moet—
 - (i) die voorgeskrewe vorms voltooi en onderteken; en
 - (ii) enige ander dokumentasie soos deur die munisipaliteit vereis, voorsien.
 - (c) die aansoeker mag nie die eienaar van meer as een eiendom wees nie en hy of sy moet die perseel okkupeer; en
 - (d) die gesamentlike huishoudelike inkomste mag nie die bedrag soos deur die munisipaliteit ingevolge subartikel (2) bepaal, oorskry nie;
- (2) Ten einde die gesamentlike huishoudelike inkomste soos beoog in subartikel (1)(d) te bepaal, mag die munisipaliteit 'n bedrag stipuleer, of 'n maksimum bedrag bepaal, gebaseer op een of meer van die volgende:
 - (a) waterverbruik;
 - (b) elektrisiteitsverbruik; of
 - (c) die munisipale waardasie van die eiendom, welke waardasie nie die waarde soos deur die munisipaliteit bepaal, mag oorskry nie.
- (3) In die geval van 'n huurder—
 - (a) moet die huurder persoonlik aansoek doen en mag slegs kwalifiseer vir die koste van elektrisiteit, water en vullis en rioleringsgelde, vir welke koste hy of sy 'n munisipale rekening moet ontvang; en
 - (b) die persoon wat die huur betaalbaar deur die huurder ontvang, hetsy vir die persoon se eie rekening of as agent vir enige ander persoon wat daarop geregtig is of 'n belang daarby het, is verantwoordelik vir eiendomsbelasting.
- (4) In die geval waar die rekeninghouer oorlede is, moet die bestaande en toekomstige rekeninge van die huishouding ingevolge die maatreëls vir bystand aan hulpbehoewendes aanvaar word, op voorwaarde dat slegs die oorlewende eggenoot of afhanklike kinders aansoek mag doen of baat.

16. Kredietverlening

- (1) Huishoudings wat kwalifiseer vir armoedeverligting maatreëls mag 'n krediet ontvang vir sommige of al die volgende soos bepaal deur die munisipaliteit:
 - (a) 'n hoeveelheid elektrisiteit plus basiese tarief;
 - (b) 'n hoeveelheid water plus basiese tarief;
 - (c) vullisverwyderingsgelde;
 - (d) rioleringsgelde;

- (e) belasting; of
 - (f) enige ander diensgelde, belasting of koste benewens die gelewerde dienste.
- (2) Die munisipaliteit het die reg om 'n aansoek vir armoedeverligting op 'n gereelde basis te heroorweeg en die eiendom gemeld in artikel 15(1)(c) te enige redelike tyd te besoek vir die doel om die inligting wat in die aansoek verstrekk is, te verifieer.
- (3) Die normale belasting, gelde en tariewe en die vereiste om 'n rekening te betaal sal van toepassing wees indien 'n huishoudelike rekening die verleende kredietperke soos deur die munisipaliteit goedgekeur, oorskry.
- (4) Waar dit vasgestel is dat armoedeverligting verleen is op die basis van die voorsiening van vals of bedrieglike inligting, mag die munisipaliteit sodanige verligting met onmiddellike effek terugtrek.

HOOFTUK 3

TARIEWE

Deel 1

Algemene beginsels, berekening van tariewe vir hoofdienste

17. Algemene beginsels

- (1) Die munisipaliteit aanvaar, onderhewig aan subartikel (14), artikels 20(3)(d) en (e) en 21(5)(d), 'n tweeledige tariefstruktuur bestaande uit 'n vaste beskikbaarheidsgeld gekoppel aan 'n geld gebaseer op verbruik welke tariewe gedurende die finansiële jaar aangepas mag word wanneer sodanige aanpassing vereis of goedgekeur word ingevolge nasionale of provinsiale wetgewing.
- (2) By die vasstelling van sy jaarlikse tariewe moet die munisipaliteit te alle tye in ag neem van die—
- (a) tariewe elders van toepassing in die ekonomiese streek; en
 - (b) impak wat sy eie tariewe op plaaslike ekonomiese ontwikkeling mag hê
- (3) Met die uitsondering van armoedeverligting maatreëls goedgekeur deur die munisipaliteit, moet dienste tariewe opgelê deur die munisipaliteit gesien word as gebruikersgelde en nie belasting nie, en die vermoë van die betrokke verbruiker of gebruiker van die dienste waarop sodanige tariewe betrekking het om vir sodanige dienste te betaal, mag nie as relevante kriteria beskou word nie.
- (4) Die munisipaliteit moet verseker dat sy tariewe eenvormig en billik regdeur die munisipale gebied toegepas word.
- (5) Tariewe vir die volgende dienste deur die munisipaliteit gelewer moet sover moontlik die koste verhaal wat met die lewering van elke betrokke diens gepaard gaan en, waar wenslik, 'n surplus lewer soos vasgestel in elke jaarlikse begroting:
- (a) elektrisiteitsvoorsiening;
 - (b) watervoorsiening;
 - (c) sanitasie dienste, ingesluit riool en afvalwater wegdoeningsdienste; en
 - (d) vullis (vaste afval) verwyderingsdienste; of
 - (e) enige ander dienste gelewer deur die munisipaliteit.
- (6) Die tarief wat 'n spesifieke verbruiker of gebruiker betaal, moet direk in verband staan met die standaard van die diens ontvang en die hoeveelheid van die betrokke diens gebruik of verbruik.
- (7) Die munisipaliteit moet jaarliks sy armoedeverligting maatreëls hersien soos beoog in artikels 15 en 16, en moet uiteensit die—
- (a) munisipaliteit se kosteverhalingsbeleid ten opsigte van die tariewe wat dit op geregistreerde hulpbehoewendes hef; en
 - (b) die implikasies van sodanige beleid vir die tariewe wat dit op ander gebruikers en verbruikers in die munisipale gebied oplê.
- (8) (a) Die munisipaliteit se tariefbeleid moet deursigtig wees.
- (b) Die mate waarin daar kruissubsidiëring tussen kategorieë van verbruikers of gebruikers is moet duidelik wees vir alle verbruikers of gebruikers van die betrokke diens.
- (9) Die munisipaliteit onderneem om—
- (a) te verseker dat sy tariewe verduidelik word aan en verstaan word deur alle verbruikers en gebruikers wat deur hierdie verordening geaffekteer word; en
 - (b) sy dienste koste-effektief te lewer ten einde die bes moontlike koste van dienslewering te verseker.
- (10) In die geval van direkte meetbare dienste, naamlik elektrisiteit en water, moet die verbruik van sodanige dienste behoorlik deur die munisipaliteit gemeter word, en meters moet waar omstandighede dit redelikerwys toelaat, op 'n maandelikse basis gelees en die gelde wat op verbruikers gehef word moet proporsioneel wees tot die hoeveelheid van die dienste wat deur hulle verbruik.
- (11) By die oorweging van die koste van sy water, elektrisiteit en rioleringsdienste, moet die munisipaliteit die hoë kapitaalkoste vir die instelling en uitbreiding van sodanige dienste en die gevolglike hoë vastekoste, teenoor die veranderlike bedryfskoste van daardie dienste, in aanmerking neem.
- (12) (a) Die munisipaliteit se tariewe vir elektrisiteitsdienste word vasgestel ten einde te verseker dat daardie verbruikers wat hoofsaaklik verantwoordelik is vir spitsaanvraag en gevolglik vir die aangaan van die gepaardgaande aanvraaggelde van Eskom deur die munisipaliteit, die koste verbonde aan daardie gelde dra;
- (b) Vir doeleindes van paragraaf (a), moet die munisipaliteit aanvraag meters installeer om die maksimum vraag van sodanige verbruikers tydens sekere periodes te meet;
 - (c) Sodanige verbruikers moet die betrokke aanvraaggelde sowel as 'n diensgeld wat direk in verband staan met hul werklike verbruik van elektrisiteit gedurende die betrokke meteringperiode, betaal.

18. Berekening van tariewe vir hoofdienste

Ten einde die tariewe te bereken wat hef moet word vir die voorsiening van die dienste beoog in artikel 17(5), moet die munisipaliteit alle bedryfskoste van die betrokke ondernemings identifiseer, met spesifieke insluiting van die volgende:

- (a) koste van grootmaat aankope in die geval van water en elektrisiteit;
- (b) distribusie koste;
- (c) distribusie verliese in die geval van water en elektrisiteit;
- (d) depresiasie uitgawes;
- (e) onderhoud van infrastruktuur en ander vaste bates;
- (f) administrasie en dienskoste, insluitend—
 - (i) diensgelde hef deur ander departemente soos finansies, menslike hulpbronne en regsdiens;e;
 - (ii) billike algemene oorhoofse koste, soos die koste verbonde aan die kantoor van die munisipale bestuurder;
 - (iii) voldoende bydraes vir die voorsiening van slegte skulde en voorraad in onbruik; en
 - (iv) alle ander normale bedryfsuitgawes verbonde aan die betrokke diens, ingesluit in die geval van die elektrisiteitsdiens, die koste vir die voorsiening van straatbeligting in die munisipale gebied; en
- (g) die koste van armoedeverligting maatreëls.

Deel 2

Tariefstrukture vir hoofdienste, ondergeskikte tariewe

19. Tariefstrukture

- (1) Die munisipaliteit mag—
 - (a) die kilowatt-ure van elektrisiteit per maand en die kiloliter van water wat gratis voorsien sal word aan 'n verbruiker wat as 'n hulpbehoewende geregistreer is ingevolge artikel 15(1)(b), bepaal; en
 - (b) verligting oorweeg ten opsigte van die tariewe vir riolering en vullisverwydering vir sodanige geregistreerde hulpbehoewende in die mate waarin die raad sodanige verligting bekostigbaar beskou ingevolge elke jaarlikse begroting, met dien verstande dat sodanige verligting nie minder mag wees as 'n afslag soos bepaal deur die munisipaliteit nie.
- (2) Die tarief vir 'n voorafbetaalde meter is dieselfde as die gewone verbruikerstariewe hef op die kategorie van verbruiker betrokke, en geen beskikbaarheidsgelde word hef op 'n eiendom waar 'n voorafbetaalde meter geïnstalleer is nie.

20. Elektrisiteit

- (1) Die verskeie kategorieë van elektrisiteitsverbruikers, soos uiteengesit in subartikel (3), word hef teen die toepaslike tariewe, soos goedgekeur deur die munisipaliteit in elke jaarlikse begroting.
- (2) Onderhewig aan artikel 17(1), is tarief aanpassings effektief ten opsigte van Julie rekeninge elke jaar.
- (3) Kategorieë van verbruikers en gelde is soos volg:
 - (a) met die uitsondering van 'n geregistreerde hulpbehoewende, moet 'n verbruiker gefaktureer word vir alle elektrisiteit verbruik teen die tarief van toepassing op die kategorie waarin die betrokke verbruiker val;
 - (b) die tarief vir huishoudelike verbruik van elektrisiteit mag nie sodanige persentasie per kilowatt-ure, soos deur die munisipaliteit bepaal, van die tarief van toepassing op ander verbruikers oorskry nie en alle ander verbruikers, ingesluit besighede, nywerhede en institusionele verbruikers, moet dieselfde tarief per kilowatt-uur betaal;
 - (c) 'n huishoudelike elektrisiteitsverbruiker van die munisipaliteit wat as 'n hulpbehoewende by die munisipaliteit geregistreer is, moet die hoeveelheid kilowatt-ure van elektrisiteit soos bepaal ingevolge artikel 19(1), gratis ontvang;
 - (d) 'n huishoudelike elektrisiteitsverbruiker anders as 'n geregistreerde hulpbehoewende en sub-ekonomiese (Staatsgesubsidiëerde behuising) verbruiker moet addisioneel 'n beskikbaarheidsgeld per geïnstalleerde meter, gefaktureer word;
 - (e) 'n kommersiële, nywerheid en ander nie-huishoudelike eiendom moet addisioneel 'n maandelikse beskikbaarheidsgeld per geïnstalleerde meter, en waar van toepassing, 'n aanvraaggeld toepaslik tot sy onderskeie vlakke van verbruik, gefaktureer word.

21. Water

- (1) Die kategorieë van water verbruikers, soos uiteengesit in subartikel (5), word hef teen die toepaslike tariewe, soos goedgekeur deur die munisipaliteit in elke jaarlikse begroting.
- (2) Onderhewig aan artikel 17(1), is tarief aanpassings effektief ten opsigte van Julie rekeninge elke jaar.
- (3) Die tarief hef vir huishoudelike verbruik van water vermeerder in ooreenstemming met die volume water verbruik, en sal gebaseer word op 'n maandelikse verbruik soos bepaal deur die munisipaliteit.
- (4) Die tarief vir nie-huishoudelike water verbruik word gebaseer op 'n enkeltarief per kiloliter verbruik, ongeag van die volume van verbruik betrokke.
- (5) Kategorieë van verbruikers en gelde is soos volg:
 - (a) 'n huishoudelike water verbruiker geregistreer as 'n hulpbehoewende by die munisipaliteit moet die eerste ses kiloliter water verbruik gratis ontvang;
 - (b) alle ander verbruikers word vir werklike water verbruik teen 'n traptarief per kiloliter hef soos bepaal deur die munisipaliteit;
 - (c) die tarief van toepassing op huishoudelike verbruik van water mag nie sodanige persentasie per kiloliter, soos deur die munisipaliteit bepaal, van die tarief van toepassing op ander verbruikers oorskry nie en alle ander verbruikers, ingesluit besighede, nywerhede en institusionele verbruikers, moet die tarief beoog in subartikel (4) betaal;

(d) 'n beskikbaarheidsgeld per watermeter, soos bepaal deur die munisipaliteit, word gehef op 'n waterverbruiker.

22. Vullisverwydering

(1) Die kategorieë van vullisverwydering gebruikers, soos uiteengesit in subartikel (3), word gehef teen die toepaslike tariewe, soos goedgekeur deur die munisipaliteit in elke jaarlikse begroting.

(2) Onderhewig aan artikel 17(1), is tarief aanpassings effektief ten opsigte van Julie rekening elke jaar.

(3) 'n Aparte vaste maandelikse vullisverwyderingsgeld is van toepassing op elk van die volgende kategorieë van gebruikers, gebaseer op die koste van die diens betrokke:

- (a) huishoudelike en ander gebruikers, waar vullis deur die munisipaliteit eenmaal per week verwyder word; en
- (b) besighede en ander gebruikers, waar vullis deur die munisipaliteit twee maal per week verwyder word;
- (c) besighede en ander gebruikers, waar vullis deur die munisipaliteit drie maal per week verwyder word;
- (d) besighede en ander grootmaat gebruikers.

(4) 'n Geregistreeerde hulpbehoewende mag 'n afslag op sy gelde ontvang in die mate waarin die munisipaliteit dit bekostigbaar beskou wanneer elke jaarlikse begroting goedgekeur word, welke afslag nie minder mag wees as die persentasie, soos bepaal deur die munisipaliteit, van die maandelikse bedrag gefaktureer as 'n vullisverwyderingsgeld.

23. Riolering

(1) Die kategorieë van riolering gebruikers, soos uiteengesit in subartikel (3), word per maand gehef teen die toepaslike tariewe soos goedgekeur deur die munisipaliteit in elke jaarlikse begroting.

(2) Onderhewig aan artikel 17(1), is tarief aanpassings effektief ten opsigte van Julie rekening elke jaar.

(3) Kategorieë van verbruikers en gelde is soos volg:

- (a) 'n beskikbaarheidsgeld word per maand of jaarliks gehef vir 'n onontwikkelde erf, ongeag sy toelaatbare of voorgestelde gebruik;
- (b) 'n vaste maandelikse geld gebaseer op die koste van die diens word gehef per emmerverwydering vir 'n huishoudelike gebruiker, met dien verstande dat 'n geregistreeerde hulpbehoewende sodanige afslag op sy gelde mag ontvang in die mate waarin die munisipaliteit dit bekostigbaar beskou wanneer elke jaarlikse begroting goedgekeur word, welke afslag nie minder mag wees as die persentasie, soos bepaal deur die munisipaliteit, van die maandelikse bedrag gefaktureer vir die diens;
- (c) 'n vaste maandelikse geld gebaseer op die koste van die diens word gehef vir 'n huishoudelike gebruiker, met dien verstande dat 'n geregistreeerde hulpbehoewende sodanige afslag op hierdie gelde mag ontvang in die mate waarin die munisipaliteit dit bekostigbaar beskou wanneer elke jaarlikse begroting goedgekeur word, welke afslag nie minder mag wees as die persentasie, soos bepaal deur die munisipaliteit, van die maandelikse bedrag gefaktureer vir die diens;
- (d) 'n vaste maandelikse geld gebaseer op die koste van die diens per rioleringspunt of toilet word gehef op alle besighede, nywerhede en instusionele gebruikers;
- (e) 'n afvoergeld is betaalbaar deur 'n fabriek en ander nywerheidsgebruiker waar die afvalwater afkomstig van sodanige gebruiker spesiale purifikasie maatreëls deur die munisipaliteit vereis, en die geld word gebaseer op die toksiese inhoud van die afvalwater betrokke en die koste van die purifikasie;
- (f) 'n geld, gebaseer op die koste van die diens vir die leegmaak van 'n septiese tenk, sal gehef word vir elke besoek om die septiese tenk leeg te maak op die perseel van 'n persoon wat sodanige diens vereis.

24. Ondergeskikte tariewe

(1) Alle ondergeskikte tariewe word gestandaardiseer binne die munisipale gebied.

(2) Alle ondergeskikte tariewe word deur die munisipaliteit goedgekeur in elke jaarlikse begroting en word, wanneer geag toepaslik te wees deur die munisipaliteit, gesubsidieer deur eiendomsbelasting en algemene inkomste, veral wanneer die—

- (a) tariewe onekonomies is wanneer gehef om die koste van die diens betrokke te dek;
- (b) koste nie akkuraat bepaal kan word nie; of
- (c) tariewe ontwerp is om bloot te reguleer in plaas van om die gebruik van die betrokke diens of gerief te finansier.

(3) Tensy daar afdwingende redes is waarom sodanige aanpassing nie ingestel kan word nie, word alle ondergeskikte tariewe waaroor die munisipaliteit volle beheer het en wat nie direk in verband staan met die koste van 'n bepaalde diens nie, jaarliks ten minste met die heersende verbruikersprysindeks, aangepas.

(4) Die volgende dienste is gesubsidieerde dienste, en die tariewe gehef dek 50%, of so na as moontlik aan 50%, van die jaarlikse begrote bedryfsuitgawes vir die betrokke diens:

- (a) begrawing dienste en die voorsiening van begraafplase; en
- (b) die voorsiening van munisipale sportfasiliteite vir gebruik teen gelde.

(5) Die volgende dienste word geag gemeenskapsdienste te wees, en geen tariewe word vir die gebruik daarvan gehef nie:

- (a) 'n munisipale swembad;
- (b) 'n munisipale museum en kunsgalery;
- (c) die wegdoening van tuinvullis by die munisipale stortingsterrein;
- (d) 'n munisipale verwysingsbiblioteek;
- (e) 'n munisipale leningsbiblioteek, behalwe vir boetes bepaal;
- (f) 'n munisipale botaniese tuin, ander parke en openbare ruimtes;

- (6) Die volgende dienste word geag ekonomiese dienste te wees, en die tariewe gehef dek 100%, of so na as moontlik aan 100%, van die jaarlikse begrote bedryfsuitgawes vir die betrokke diens:
- die instandhouding van grafte, tuine van herinnering en krematoria teen betaling van gelde;
 - die beskikbaarstelling van 'n huis teen betaling van 'n behuisingshuur;
 - onderhewig aan subartikel (9), die gebruik van 'n munisipale saal en ander persele teen betaling van gelde;
 - die voorsiening van 'n bouplan teen betaling van gelde;
 - die verkoop van—
 - plastiese vullissakke;
 - vullishouers; of
 - lewendehawe en plante;
 - die skoonmaak van pawiljoene teen betaling van gelde;
 - die aansluiting van elektrisiteit, water en riolering teen betaling van aansluitingsgelde;
 - die fotostatering van afskrifte teen betaling van gelde; en
 - die uitreiking van 'n uitklaringsertifikaat teen betaling van gelde.
- (7) Die volgende gelde en tariewe word geag as regulerend of straffend, en word bepaal soos toepaslik in elke jaarlikse begroting:
- boetes vir verlore of laat biblioteekboeke;
 - advertensieteken gelde;
 - skutgelde;
 - diskonneksie en heraansluiting gelde vir elektrisiteit en water;
 - straf en ander gelde opgelê ingevolge Hoofstukke 1 en 2; en
 - strafgelde vir die voorlegging van geweierde, verouderde, vooruitgedateerde of andersins onaanvaarbare tjeks.
- (8) Die verhuring van munisipale eiendom moet mee gehandel word ingevolge die munisipaliteit se Voorkeurverkryging Bestuur Regulasies of Beleid.
- (9) Indien die munisipale bestuurder tevrede is, in die geval van 'n huur vir die gebruik van 'n munisipale saal en perseel, dat die saal of perseel benodig word vir nie-winsmaking doeleindes en vir die voorsiening van 'n diens aan die gemeenskap, mag die munisipale bestuurder die betrokke huur kwytsteld.
- (10) Die munisipale bestuurder moet bepaal of 'n vrywaring of waarborg voorsien moet word, of 'n deposito betaal moet word, vir die huur van die munisipale saal, persele of sportgronde, en moet in sodanige bepaling gelei word deur die moontlikheid dat die munisipaliteit skade mag lei as gevolg van die gebruik van die betrokke fasiliteite.
- (11) Die koste van die demokratiese proses in die munisipaliteit soos, maar nie beperk nie tot, alle uitgawes gepaardgaande met die politieke strukture van die munisipaliteit, vorm deel van die uitgawes wat uit eiendomsbelasting en algemene inkomste gefinansier moet word, en word nie ingesluit in die koste van die hoofdienste van die munisipaliteit nie.

HOOFSTUK 4

EIENDOMSBELASTING

25. Heffing van eiendomsbelasting

- (1) Die munisipaliteit moet, as deel van elke jaarlikse bedryfsbegrotingskomponent, 'n belasting in die rand op die waarde van alle belasbare eiendom soos aangeteken in die munisipaliteit se waardasielys en aanvullende waardasielys, oplê.
- (2) Wanneer die belasting vir elke finansiële jaar opgelê word, moet die munisipaliteit behoorlik ag neem van die—
- gesamentlike las van belasting en diensgelde op eienaars van eiendom in die verskillende kategorieë van eiendomseienaarskap; en
 - mate waarin hierdie las kompetend is of bly met die vergelykbare laste in ander munisipaliteite binne die plaaslike ekonomiese gebied.

26. Korting op eiendomsbelasting

- (1) Die munisipaliteit mag kortings toestaan ter erkenning van die volgende faktore:
- die onvermoë van eienaars van residensiële eiendom om die las van belasting te verplaas, teenoor die vermoë van die eienaars van besighede, kommersiële, industriële en sekere ander eiendomme om sodanige belasting te verhaal as deel van die uitgawes met betrekking tot die goedere en dienste wat hulle produseer;
 - die nodigheid om hulpbehoewendes en minder goeie pensionarisse te akkommodeer;
 - die dienste voorsien aan die gemeenskap deur openbare diensorganisasies;
 - die waarde van landbou aktiwiteite tot die ekonomie gekoppel aan die beperkte munisipale dienste beskikbaar aan sodanige aktiwiteite, maar ook in aanmerking geneem die munisipale dienste wat voorsien word aan munisipale inwoners wat in sodanige aktiwiteite se diens is;
 - die nodigheid om die kulturele erfenis van die plaaslike ekonomie te bewaar;
 - die nodigheid om die uitbreiding van openbare diensinfrastruktuur aan te moedig; en
 - die onmisbare bydrae wat eiendom ontwikkelaars maak, veral met betrekking tot kommersiële en industriële eiendomsontwikkeling, tot plaaslike ekonomiese ontwikkeling, en die voortgesette nodigheid om sodanige ontwikkeling aan te moedig.
- (2) Die munisipale bestuurder moet, onderhewig aan artikels 15(3) en 15(4) van die Wet op Eiendomsbelasting, 2004 (Wet 6 van 2004), verseker

dat kortings aangetoon word op die belasting rekeninge wat aan elke eiendom gestuur word.

(3) Die munisipaliteit mag eiendomme kategoriseer en kortings soos deur dit bepaal, toestaan.

(4) By vasstelling of 'n eiendom deel vorm van 'n bepaalde kategorie beoog in subartikel (3), moet die munisipaliteit die werklike gebruik waarvoor die betrokke eiendom aangewend word in aanmerking neem, en in die geval van vakante grond wat nie spesifiek in enige van die kategorieë ingesluit is nie, bepaal die toelaatbare gebruik van die eiendom die kategorie waarin dit ressorteer.

(5) Die kortings toegestaan ingevolge subartikel (3) is van toepassing addisioneel tot die bepalings van artikel 17(1)(h) van die Wet op Eiendomsbelasting, 2004.

(6) (a) Onderhewig aan die bepalings van artikel 9 van die Wet op Eiendomsbelasting, 2004, word 'n eiendom, anders as 'n eiendom vermeld in artikel 17(1)(h)(i) van daardie Wet, belas op die waarde toegewys aan elke komponent, en ontvang die korting van toepassing op sodanige komponent.

(b) Waar een komponent op gemiddelde 'n hoër persentasie, as dit bepaal deur die munisipaliteit, van die eiendom se werklike grootte verteenwoordig, moet sodanige eiendom belas word asof dit aangewend word vir daardie gebruik alleen.

27. Aanpassing van eiendomsbelasting

(1) Waar die belastings hef op 'n bepaalde eiendom verkeerdlik vasgestel is, of dit as gevolg is van—

(a) 'n fout of oorsig aan die kant van die munisipaliteit;

(b) valse inligting voorsien deur die eienaar van die betrokke eiendom; of

(c) 'n oortreding van die toelaatbare gebruik waarvoor die betrokke eiendom aangewend mag word,

moet die belastings betaalbaar toepaslik aangepas word vir die periode vanaf die datum waarop die fout of oorsig ontdek is terugwerkend tot die datum waarop belastings vir die eerste keer hef is ingevolge die huidige waardasielys.

(2) Waar die fout ontstaan het soos beoog in subartikels (1)(b) en (c), moet rente hef word op die onbetaalde deel van die aangepaste belastings betaalbaar teen die maksimum koers wat toelaatbaar is ingevolge heersende wetgewing.

28. Frekwensie van waardasies

Onderhewig aan die bepalings van artikels 32 en 77 van die Wet op Eiendomsbelasting, 2004 moet die munisipaliteit 'n nuwe waardasielys elke drie jaar, en aanvullende waardasielys elke ses maande, voorberei.

HOOFSTUK 5

UITVOERING

29. Munisipaliteit se bevoegdheid om dienste te beperk of te diskonnekteer

Die munisipaliteit mag, benewens die voorwaardes van enige ander bepalings van hierdie verordening, die voorsiening van water en elektrisiteit beperk of diskonnekteer, of enige ander diens na enige perseel staak indien—

(a) 'n administrasiebevel ten opsigte van 'n rekeninghouer toegestaan word ingevolge artikel 74 van die Wet op Landdroshowe, 1944 (Wet 37 van 1944), met dien verstande verder dat sodanige dienste slegs opgeskort sal word indien die rekeninghouer in gebreke bly om gereelde betalings ten opsigte van die huidige dienste te maak;

(b) 'n rekeninghouer van enige diens versuim om aan 'n voorwaarde vir voorsiening opgelê deur die munisipaliteit te voldoen;

(c) 'n rekeninghouer die doeltreffende voorsiening van elektrisiteit, water of enige ander munisipale diens aan 'n ander rekeninghouer verhinder;

(d) 'n rekeninghouer sodanige munisipale dienste aan enige persoon wat nie daarop geregtig is nie, voorsien of toelaat dat sodanige diens voortgesit word;

(e) 'n rekeninghouer 'n situasie laat ontstaan wat gevaarlik is of 'n oortreding van tersaaklike wetgewing is; of

(f) 'n rekeninghouer onder voorlopige registrasie, likwidasie of geregtelike bestuur geplaas word, of 'n daad van insolvensie pleeg ingevolge die Insolvensiewet, 1936 (Wet 24 van 1936).

30. Peutering, ongemagtigde aansluitings en heraansluitings en wederregtelike gebruik

(1) Die munisipaliteit behou die reg voor om die dienste netwerk te monitor vir tekens van peutering of onreëlmatighede.

(2) Geen persoon mag op enige wyse of vir enige rede met enige meter of metertoerusting of dienste aansluiting of dienstebeskermingsapparaat of toevoer kragpunt of enige ander toerusting van die munisipaliteit peuter of daarmee inmeng nie.

(3) Waar bewys bestaan dat 'n rekeninghouer of enige persoon subartikel (2) oortree het, het die munisipaliteit die reg om die toevoer onmiddellik en sonder vooraf kennisgewing aan die rekeninghouer te diskonnekteer, en die rekeninghouer is aanspreeklik vir alle gelde en koste wat deur die munisipaliteit vir sodanige diskonneksie hef word.

(4) Waar 'n rekeninghouer of enige persoon subartikel (2) oortree en sodanige oortreding het tot gevolg dat die meter minder as die ware verbruik registreer, is die munisipaliteit daarop geregtig om van die rekeninghouer die volle koste van sy of haar beraamde verbruik te verhaal.

31. Uitklaringsertifikaat

Ten einde uitvoering te gee aan die oordrag van enige onroerende eiendom van een geregistreerde eienaar aan 'n ander, vereis die Registrateur van Aktes 'n uitklaringsertifikaat, welke sertifikaat van die munisipale bestuurder verkrygbaar is teen betaling van die voorgeskrewe gelde en onderhewig aan die nakoming van die voorwaardes van artikel 118 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

32. Tenders en hulptoelaes

(1) Elke tender wat aan die munisipaliteit voorgelê word moet vergesel wees van 'n sertifikaat deur die munisipaliteit wat verklaar dat die voornemende verskaffer/diensvoorsiener geen agterstallige bedrag wat op die munisipale rekening aangedui word, aan die munisipaliteit verskuldig is nie.

(2) Indien 'n voornemende verskaffer/diensvoorsiener sodanig verskuldig is, mag die munisipaliteit die tender afwys.

(3) Die munisipaliteit mag slegs 'n tender oorweeg wanneer die voornemende verskaffer/diensvoorsiener bevredigende reëlins getref het om die

verskuldigde bedrag te betaal deur middel van paaiemente, of al die agterstallige bedrae ten volle vereffen het.

(4) Die munisipale bestuurder of 'n behoorlik gemagtigde beampte van die munisipaliteit moet in die kontrakvoorwaardes voorsiening maak vir die aftrekking van gelde wat aan die verskaffer/diensvoorsiener verskuldig is, ten einde enige uitstaande bedrag te vereffen.

(5) Betaling van enige hulptoelae wat deur die munisipaliteit goedgekeur is mag teruggehou word hangende die betaling van enige uitstaande munisipale rekening, of hangende 'n ooreenkoms tussen die munisipaliteit en die ontvanger van 'n hulptoelae waarin bevredigende reëlins getref word vir die vereffening van die uitstaande munisipale rekening.

33. Bevoegdheid van raad om koste te verhaal

(1) Waar 'n bank enige betaling wat aan die munisipaliteit gemaak is weier, mag die munisipaliteit teen 'n rekening van die wanbetalende rekeninghouer 'n heffing en alle verwante koste en enige administrasiegelde verhaal, en mag die toevoer aan die perseel van sodanige rekeninghouer diskonnekteer of beperk.

(2) Alle regskoste, uitgesluit prokureur-en-kliënt koste wat aangegaan is vir die verhaling van agterstallige bedrae en betaalbaar ingevolge die Wet op Landdroshoue, 1944 (Wet 32 van 1944), moet teen die agterstallige rekening van die rekeninghouer gehel word.

(3) Vir enige stappe geneem om betaling van 'n rekeninghouer te eis of 'n rekeninghouer daaraan te herinner by wyse van telefoon, faks, elektroniese pos, brief of andersins dat betalings verskuldig is, sal gelde gehel word teen die munisipale rekening van die rekeninghouer ingevolge die munisipaliteit se tariefbeleid.

34. Prima facie bewys

'n Sertifikaat wat die bedrag aantoon wat aan die munisipaliteit verskuldig en betaalbaar is, geteken deur die munisipale bestuurder, is deur die blote toon daarvan prima facie bewys van die skuldels van die persoon wat daarin genoem word.

35. Afskryf van slegte skulde, en volle en finale vereffening van 'n rekening

(1) Voordat die skuldinvorderingsprosedure in enige individuele geval gestaak word, moet die munisipale bestuurder—

- (a) seker maak dat alle skuldinvorderingsmeganismes soos voorsien in artikel 11 redelikerwys benut is;
- (b) 'n oudit rekord in stand hou; en
- (c) die redes vir die staking van die skuldinvorderingsprosedure, insluitende die koste van uitvoering en die nodige finansiële aanpassings, dokumenteer.

(2) Die munisipale bestuurder mag 'n aanbod vir volle en finale vereffening oorweeg, en moet, indien dit in die belang van die munisipaliteit is, skriftelik instem tot die aanvaarding van 'n kleiner bedrag as die volle en finale vereffening van die bedrag wat verskuldig en betaalbaar is.

(3) Waar die presiese bedrag wat aan die munisipaliteit verskuldig en betaalbaar is nie ten volle betaal is nie, sal enige kleiner bedrag wat aan enige munisipale werknemer, behalwe die munisipale bestuurder, aangebied en aanvaar is, nie geag word as volle en finale vereffening van sodanige bedrag nie.

36. Reg van toegang en inspeksie

(1) 'n Behoorlik gemagtigde verteenwoordiger van die munisipaliteit mag vir enige rede met betrekking tot die implementering of toepassing van hierdie verordening te alle redelike tye of enige tyd tydens 'n noodgeval, 'n perseel binnegaan, inligting versoek en sodanige inspeksie soos nodig mag wees, uitvoer, en mag vir doeleindes van installering of herstel van enige meter of dienstoeveraansluiting die voorsiening van enige diens diskonnekteer, staak of beperk.

(2) Indien die munisipaliteit dit nodig ag dat werk gedoen moet word ten einde 'n beampte in staat te stel om 'n funksie vermeld in subartikel (1) behoorlik en effektief uit te voer, mag die munisipaliteit—

- (a) per skriftelike kennisgewing van 'n rekeninghouer vereis om op eie onkoste bepaalde werk binne 'n bepaalde tydperk te doen; of
- (b) indien die situasie 'n saak van dringendheid is, sonder vooraf kennisgewing en op die koste van die rekeninghouer sodanige werk doen of laat doen.

(3) Indien die werk vermeld in subartikel (2) verrig word vir die uitsluitlike doel om vas te stel of 'n oortreding van hierdie verordening begaan is en geen sodanige oortreding plaasgevind het nie, moet die munisipaliteit die koste daaraan verbonde dra tesame met die koste om die perseel tot sy vorige staat te herstel.

37. Magtiging en betekening van bevel, kennisgewings en ander dokumente

(1) Enige bevel, kennisgewing of ander dokument wat deur die munisipaliteit gemagtig moet word, moet deur die munisipale bestuurder geteken word, en wanneer uitgereik deur die munisipaliteit ingevolge hierdie verordening, word dit geag behoorlik uitgereik te wees indien dit geteken is deur 'n beampte deur die munisipaliteit daartoe gemagtig.

(2) Enige kennisgewing of ander dokument wat op 'n persoon beteken word deur 'n behoorlik gemagtigde beampte van die munisipaliteit ingevolge hierdie verordeninge, word as beteken geag—

- (a) wanneer dit persoonlik aan daardie persoon gelewer is;
- (b) wanneer dit by daardie persoon se woonplek of sakeperseel binne die Republiek gelaat is by 'n persoon wat oënskynlik ouer as sestig jaar is;
- (c) wanneer dit per geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woon- of sakeadres binne die Republiek versend is en 'n erkenning van so 'n versending van die posdienste verkry is;
- (d) indien so 'n persoon se adres binne die Republiek onbekend is, wanneer dit op daardie persoon se agent of verteenwoordiger binne die Republiek beteken is op die wyse soos voorsien in paragrafe (a), (b) of (c);
- (e) indien daardie persoon se adres en agent of verteenwoordiger binne die Republiek onbekend is, wanneer dit op 'n opsigtelike plek op die eiendom of perseel, indien enige, waarop dit betrekking het, geplaas is;
- (f) in die geval van 'n beheerliggaam, wanneer dit by die geregistreerde kantoor van die sakeperseel van sodanige beheerliggaam aan 'n persoon oënskynlik ouer as 16 jaar gelewer is;
- (g) wanneer dit, op versoek van 'n persoon, aan daardie persoon se elektroniese posadres gelewer is.

(3) Wanneer enige kennisgewing of enige dokument op die eienaar, 'n rekeninghouer of die houer van enige eiendom of reg in enige eiendom, beteken moet word, is dit voldoende indien daardie persoon in die kennisgewing of ander dokument as die eienaar, rekeninghouer of houer van die eiendom of reg betrokke, beskryf word, en is dit nie nodig om die naam van daardie persoon te noem nie.

(4) Betekening van 'n afskrif word geag die betekening van die oorspronklike te wees.

(5) Enige regsproses word effektief en voldoende op die munisipaliteit beteken wanneer dit aan die munisipale bestuurder of 'n persoon aanwesig in die kantoor van die munisipale bestuurder, gelewer is.

HOOFSTUK 6 ALGEMENE BEPALINGS

38. Reg tot appèl

'n Persoon wie se regte geraak word deur 'n besluit van die munisipaliteit mag teen sodanige besluit appelleer ingevolge artikel 62 die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) deur skriftelike kennisgewing van die appèl en die redes daarvoor binne 21 dae vanaf die datum van bekendmaking van die besluit, aan die munisipale bestuurder te gee.

39. Misdrywe en strawwe

'n Persoon is, by skuldigebevinding, en onderhewig aan die strawwe voorgeskryf in enige ander wet, aanspreeklik vir 'n boete, of by gebrek van betaling tot gevangenisstraf, of tot sodanige gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en gevangenisstraf, en in die geval van 'n opvolgende of herhaalde oortreding, tot 'n boete vir elke dag wat sodanige oortreding voortduur, of by gebrek van betaling daarvan, tot gevangenisstraf, indien hy of sy—

- (a) versuim om toegang aan 'n beampte te verleen ingevolge artikel 36;
- (b) 'n beampte verhinder of belemmer in die uitvoering van sy of haar magte of die uitoefening van funksies of pligte kragtens hierdie verordening;
- (c) die munisipaliteit se toerusting vir die verbruik van dienstevoorsiening gebruik of daarmee inmeng;
- (d) versuim of weier om sodanige inligting aan die munisipaliteit of 'n beampte te voorsien wat redelikerwys deur die munisipaliteit of die beampte vereis mag word in die uitvoering van die magte of funksies ingevolge hierdie verordening, of valse of misleidende inligting aan die munisipaliteit of die beampte voorsien in die wete dat dit vals of misleidend is;
- (e) versuim om te voldoen aan die voorwaardes van 'n kennisgewing wat op hom of haar beteken is ingevolge hierdie verordening; of
- (f) peuter met of enige seël op 'n meter of op enige toerusting wat aan die munisipaliteit behoort, breek of vir enige rede veroorsaak dat 'n meter nie die dienste behoorlik registreer nie, en die persoon sal verder aangeslaan word vir die gebruik van water of elektrisiteit, soos die geval mag wees.

40. Herroeping van verordeninge

Die volgende verordeninge word hiermee herroep:

- (a) Enige verordeninge voorheen uitgevaardig deur die munisipaliteit of enige van die afgeskafde munisipaliteite wat nou by die munisipaliteit ingelyf is, in so ver dit betrekking het op enige aangeleenthede waarvoor in hierdie verordeninge voorsiening gemaak word; en
- (b) enige verordening voorheen uitgevaardig deur die munisipaliteit of enige van sy voorgangers, in so ver dit van toepassing gemaak is op die munisipaliteit deur die magtiging vir die uitoefening van magte en funksies ingevolge artikel 84(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998).

40. Korttitel en inwerkingtrede

Hierdie verordening mag aangehaal word as die Klantesorg en Inkomstebestuur Verordening en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

16 Januarie 2009

33469

HESSEQUA MUNICIPALITY FIREWORKS BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Hessequa Municipality, enacts as follows:—

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1. Definitions
2. Principles and objectives
3. Designation of places
4. Discharge of fireworks
5. Seizure of fireworks
6. Offences and penalties
7. Revocation of by-laws
8. Short title and commencement

1. Definitions

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

“designated area” means a place designated as such in terms of Section 3;

“**fireworks**” shall have the meaning assigned thereto in the Explosives Act, Act 26 of 1956, as amended, and the Regulations framed there under, and shall include any article or thing commonly recognized as a firework;

“**municipality**” means the Hessequa Municipality, and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“**peace officer**” shall have the meaning assigned thereto in the Criminal Procedure Act 51 of 1977, in respect of persons authorized by the municipality to enforce the provisions of this By-law;

“**public place**” means any square, park, recreation ground, beach, sports ground, sanitary lane or open space which has—

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- (b) been used by the public without interruption for a period of at least thirty years; or at any time been declared or rendered such by the municipality or other competent authority; and

“**street**” means any street, road, cycle path, thoroughfare or any other place, including—

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been—
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on—
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General’s office; unless such land is on such plan or diagram described as a private street.

2. Principles and objectives

The municipality, aware of its duty to provide a safe and healthy environment, in this by-law regulates the discharge of fireworks with the aim of safeguarding its residents and property and to minimize the effects of fireworks on animals and pets.

3. Designation of places and conditions

- (1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- (2) The municipality may, on application of the owner of lawful occupier of any Private Open Space as defined in the applicable Zoning Scheme Regulations in its area of jurisdiction, designate such Private Open Space as a place where fireworks may be discharged.
- (3) The list of places designated in terms of subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- (4) The municipality may impose conditions as to the dates on which, periods of time and hours when the discharge of fireworks may take place in any designated area and may further impose conditions as to the manner of discharge.
- (5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

4. Discharge of fireworks

- (1) No person may discharge any fireworks outside an area designated by the municipality in terms of Section 3.
- (2) A person who contravenes subsections (1) commits an offence.

5. Seizure of fireworks

A peace officer may take into his or her possession any fireworks found by him in contravention of section 4(1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act (No 51 of 1977) relating to seizure and disposal.

6. Offences and 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 additional imprisonment.

7. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

8. Short title and commencement

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

HESSEQUA MUNISIPALITEIT
VUURWERKE VERORDENING

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Hessequa Munisipaliteit as volg:—

Inhoudsopgawe:

1. Woordomsrywings
2. Beginsels en doelwitte
3. Aanwysing van plekke
4. Afvuur van vuurwerke
5. Beslaglegging op vuurwerke
6. Oortredings en strawwe
7. Herroeping van verordeninge
8. Kort titel en inwerkingtrede

1. Woordomsrywings

In hierdie verordening, tensy die konteks anders aandui, beteken:

“**aangewese gebied**” ’n plek wat in terme van artikel 3 aangewys is;

“**munisipaliteit**” Hessequa Munisipaliteit, wat ingevolge Artikel 12 van die Wet op Munisipale Strukture, 117 van 1998 daargestel is en sluit alle politieke strukture, politieke ampsdraers, raadslede, behoorlik gemagtigde agente of alle werknemers in wat ingevolge hierdie verordening optree uit hoofde van ’n bevoegdheid wat by die munisipaliteit berus en aan sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

“**openbare plek**” enige plein, park, ontspanningsarea, strand, sportgrond, sanitêre laning of oop ruimte wat—

- (a) voorsien, gereserveer of opsygesit is vir gebruik deur die publiek of wat ten enige tyd aan die publiek opgedra is;
- (b) vir ’n tydperk van ten minste dertig jaar sonder onderbreking deur die publiek gebruik is of wat te enige tyd as sulks verklaar is deur die munisipaliteit of enige ander bevoegde owerheid;

“**straat**” enige straat, pad, fietspad, deurgang of enige ander plek, insluitende—

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetpadgedeelte van ’n deel van ’n padreserwe;
- (c) enige brug, veerboot of drif wat deur so ’n pad, straat of deurgang gekruis word;
- (d) enige ander ding wat aan so ’n pad, straat of deurgang behoort en wat te enige tyd—
 - (i) aan die publiek opgedra is;
 - (ii) vir ’n tydperk van ten minste dertig jaar sonder onderbreking deur die publiek gebruik is;
 - (iii) as sulks verklaar is deur die munisipaliteit of enige ander bevoegde owerheid; of
 - (iv) deur ’n plaaslike owerheid gebou is; en
- (v) enige grond, met of sonder geboue of structure daarop, wat as ’n straat aangetoon word op—
 - (aa) enige onderverdelingsplan of diagram wat deur die munisipaliteit of enige ander bevoegde gesag goedgekeur is en ten opsigte waarvan opgetree is; of
 - (bb) enige algemene plan soos omskryf in die Landmeetwet, 1927, wat in die akteskantoor of ’n Landmeter-Generaal se kantoor geregistreer of geliaseer is; tensy dusdanige grond op so ’n plan of diagram as ’n privaatpad aangedui word.

“ **vredesbeampte**” die betekenis wat daaraan toegewys is in die Strafproseswet, Wet 51 van 1977, ten opsigte van persone wat deur die munisipaliteit gemagtig is om die bepalings van hierdie verordening af te dwing;

“**vuurwerke**” die betekenis wat daaraan toegewys is in die Wet op Plofstowwe, Wet 26 van 1956, soos gewysig, en die regulasies daarkragtens uitgevaardig, en dit sluit enige artikel of ding in wat in die algemeen as vuurwerk erken word;

2. Beginsels en doelwitte

Die munisipaliteit, bewus van sy verpligting om ’n veilige en gesonde omgewing te voorsien, reguleer in hierdie verordening die afvuur van vuurwerke ten einde sy inwoners en eiendom te beveilig en ten einde die effek van vuurwerke op diere en troeteldiere te verminder.

3. Aanwysing van plekke

- (1) Die munisipaliteit mag enige openbare plek of straat of enige deel daarvan binne die munisipale gebied aanwys as die enigste plek waar vuurwerke afgevuur mag word.
- (2) By die ontvangs van ’n aansoek van die eienaar of wettige okkuperder van enige Private Openbare Ruimte, soos omskryf in die Sonering-skema Regulasies in sy jurisdiksiegebied, mag die munisipaliteit sodanige Private Openbare Ruimte aanwys as ’n plek waar vuurwerke afgevuur mag word.
- (3) Die lys van plekke wat ingevolge subartikels (1) en (2) of enige wysiging daarvan aangewys is, moet in terme van sy kommunikasiebeleid deur die munisipaliteit gepubliseer word.
- (4) Die munisipaliteit mag voorwaardes stel ten opsigte van datums waarop, periodes waartydens en die tye waarop vuurwerke binne aangewese gebiede afgevuur mag word en dit mag ook voorwaardes stel ten opsigte van die wyse waarop vuurwerke afgevuur mag word.

(5) 'n Persoon wat versuim om te voldoen aan enige voorwaarde wat ingevolge subartikel (4) opgelê is, pleeg 'n misdryf.

4. Afvuur van vuurwerke

(1) Geen persoon mag enige vuurwerke afvuur buite 'n gebied wat deur die munisipaliteit aangewys is ingevolge Artikel 3 nie.

(2) Enige persoon wat die bepalings van subartikel (1) oortree, pleeg 'n misdryf.

5. Beslaglegging op vuurwerke

'n Vredesbeampte mag beslag lê op enige vuurwerke wat in stryd met artikel 4(1) aangetref word en daar moet met sodanige vuurwerke gehandel word ooreenkomstig die relevante bepalings van die Strafproseswet (No 51 van 1977) wat met beslaglegging en wegdoening verband hou.

6. Oortredings en Strawwe

Iemand wat 'n misdryf ingevolge hierdie verordening begaan het, is by skuldigbevinding aanspreeklik vir 'n boete of, indien die boete nie betaal word nie, gevangenisstraf of sodanige gevangenisstraf sonder die opsie van 'n boete, of sowel die boete as sodanige gevangenisstraf en, in die geval van 'n opeenvolgende of volgehoue misdryf, vir 'n boete vir elke dag waarop sodanige misdryf voortduur, of indien die boete nie betaal word nie, tot bykomende gevangenisstraf.

7. Herroeping van verordeninge

Die bepalings van enige verordeninge wat voorheen deur die munisipaliteit of by enigeen van die ontbinde munisipaliteite wat nou in die munisipaliteit geïnkorporeer is, afgekondig is, word hiermee herroep insoverre hulle betrekking het op sake waarvoor daar in hierdie verordening voorsiening gemaak word.

8. Kort titel en inwerkingtreding

Hierdie verordening word die Vuurwerke Verordening genoem en tree in werking op die datum van die publikasie daarvan in die Provinsiale Koerant.

16 Januarie 2009

33470

HESSEQUA MUNICIPALITY

BY-LAW RELATING TO THE MANAGEMENT AND USE OF RIVERS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Hessequa Municipality enacts as follows:—

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SCHEDULE 1: EQUIPMENT REQUIRED ON BOATS AND VESSELS

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

“authorised officer” means any person authorised by the municipality to perform the functions of an authorised officer under this by-law or a member of the South African Police”;

“boat” or “vessel” means any conveyance capable of floating on or in water or designed to navigate on or in water and includes, but is not limited to a sailing boat, sailing board, rowing boat, canoe, paddle ski, power boat, jet-driven boat, jet-ski, fishing boat, flat-bottomed boat, ferry, houseboat, pleasure boat, water cycle and raft;

“bow” means the front part of the vessel;

“by-law” means this by-law and any amendments thereto;

“due date” means 30 June of every year or such other date as may be determined by the municipality;

“helmsman” means a person who steers or controls a boat or vessel;

“houseboat” includes any vessel or boat, irrespective of whether or not it is propelled under its own power, capable of being occupied by more than one person, which is equipped with facilities for day or night accommodation and on which food preparation facilities and toilet or washing facilities have been provided, but excludes a sailing boat and a cabin boat not equipped with ablution or cooking facilities;

“licensee” shall mean the person in whose name a boat or vessel has been registered as required in terms of this by-law;

“municipality” means the Municipality of Hessequa established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, 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, agent or employee;

“Municipal Manager” means the Municipal Manager of the municipality;

“vicinity of the river” includes the properties adjacent to or in the immediate vicinity of the river;

“operate” or “control” or any like expression, in relation to a boat or vessel means to launch, use, sail, navigate or moor a boat or vessel to be launched, used, sailed, navigated or moored on the river, or to have a boat or vessel, or to permit a boat or vessel to be, on the river;

“permission” means the written permission of the municipality ;

“pleasure boat” includes any vessel or boat, irrespective of whether or not it is propelled under its own power, capable of being occupied by more than one person, which is used for the entertainment of passengers by means of sunset trips, receptions or any other kind of entertainment.

“port” means the left side of the boat or vessel as seen from the stern;

“power boat” means a boat or vessel propelled by means of a motor or other mechanical apparatus, either in- or outboard, irrespective of whether or not such motor or apparatus is the main source of power;

“publish” in respect of the provisions of section 17(1) means—

- (a) to publish a notice in the Provincial Gazette and a local newspaper; and
- (b) to display the notice so published on the notice boards of the municipality;

“registered boat” means a boat or vessel issued with an identification number in accordance with section 6 of this by-law;

“river” means the Breede River, the Goukou River, the Gouritz River, the Duiwenhoks River or any other river within the area of jurisdiction of the municipality;

“rowing boat” means a boat or vessel designed to be propelled by means of oars without any mechanical assistance;

“sail” or “underway” means the situation of a boat or a vessel when it is not anchored or moored or on dry land;

“sailing boat” means any boat or vessel which is capable of being powered by wind under sail;

“SAMSA” means the South African Maritime Safety Authority;

“starboard” means the right side of the boat or vessel seen from the stern;

“stern” means the back of the boat or vessel;

“visible” means visible by somebody with reasonable eyesight during a dark night when the atmosphere is clear;

“water area” means the area between the high water mark on both banks of the river and its mouth at any specific time;

“water ski” means to ski or skate in the water with or without the assistance of any kind of skating apparatus and where the water-skier is towed by a boat or vessel by means of a towing rope;

“water-skier” or “skier” means a person who is water-skiing.

CHAPTER 1: MANAGEMENT AND USE OF BOATS ON RIVERS**2. Operation or use of boats on the river**

- (1) No person shall operate or control any power boat with a motor of more than 15 horse power on a river, unless—
- (a) such boat has been registered and licensed by the municipality;
 - (b) a temporary permit has been issued for such boat for that particular river where the boat is to operate; and
 - (c) the person who operates that boat is in possession of a valid skipper's ticket or a certificate of competence as issued by SAMSA.
- (2) A person under the age of sixteen years may only operate or control a boat or a vessel equipped with an motor of 15 horse power or less, while such person is accompanied by a person who is in possession of a valid certificate of competence.
- (3) Where any licensee of a boat as contemplated in subsection (1) allows any other person who does not possess a certificate as contemplated in subsection (2), or who, in the opinion of an authorised officer, is not competent to operate or control such boat safely or with due regard to the environment, such officer may direct the licensee not to allow such person to operate or control such boat.
- (4) Any person who contravenes a provision of this section commits an offence.

3. Prohibited behaviour

- (1) No person may operate a boat or vessel on a river—
- (a) in a manner which an authorised officer regards as reckless or negligent;
 - (b) while under the influence of intoxicating liquor or narcotic drug, or while the percentage of alcohol in his blood is 0.05 or more, expressed in grams per hundred milliliters of blood;
 - (c) while suffering from an infirmity which renders him unfit to do so;
 - (d) in a manner an authorised officer regards as dangerous to public or to the occupants of such boat or vessel or in a manner calculated to endanger or damage any property or facility, regard being had to all the circumstances of the case;
 - (e) in a manner which in the authorised officer's opinion constitutes a nuisance;
 - (f) without reasonable consideration of the rights of other persons using such river;
 - (g) while it is leaking oil, petrol, pollutant or any toxic or noxious substance;
 - (h) if the load or number of persons on board exceeds the carrying capacity as stated on the boat or vessel's registration certificate or stated on the license;
 - (i) if the boat or vessel is not registered and licensed by the municipality as required in terms of this by-law and the identification number issued in respect thereof is not permanently fixed in a manner determined by the municipality.
 - (j) in contravention of any usage zone on a river as determined by the municipality.
- (2) No person may, in the water area, without the prior written consent of the municipality-
- (i) offer for reward or profit any show or entertainment or conduct any business or trade or charter any boat or vessel for reward;
 - (ii) keep or use any boat or vessel for the transport of passengers or goods for payment or reward;
 - (iii) hold or arrange any fishing competition; or
 - (iv) hold or arrange any race, meeting or regatta.
- (3) When the municipality grants its authority in terms of subsection (2), it may set the conditions which it sees fit in the circumstances in any particular case, to ensure the safety of the public.
- (4) No person may, while in the water area—
- (a) use indecent, offensive or improper language;
 - (b) behave in an offensive, improper or disorderly manner;
 - (c) wilfully or negligently do anything which will cause inconvenience to any other person using the water area, or which may disturb the peace.
- (5) No person may—
- (a) fish from any bridge or within 20 metres either side of slipway;
 - (b) scuba dive, spearfish or use fish nets other than a landing net or casting net in a river without a permit;
 - (c) swim in any river where boating is allowed, unless in an area designated for swimming and indicated as such by means of notice boards;
 - (d) catch fish without a license.
 - (e) operate any hovercraft, water jet-driven craft (including but not limited to jet-ski's), or seaplanes or any form of parachuting on any part of the water area of a river; or
 - (f) place any form of obstruction on or near the surface of a river.
- (6) The municipality may restrict the size of any motor used on any river or any part of any river.
- (7) The municipality may designate any river or any portion of any river into usage zones for environmental or safety reasons.
- (8) The provisions of subsection (1)(i) only applies to a boat as contemplated in section 2(1).
- (9) A person who contravenes the provisions of this section commits an offence.

4. Equipment required on board a boat or vessel

- (1) No person may use any boat or vessel on a river, unless the equipment as listed in Schedule 1 is on board such boat or vessel.
- (2) All life-saving apparatus on board a boat or vessel must be in good working condition and within easy reach for immediate and effective use.
- (3) The batteries and fuel of any boat or vessel must be kept in separate compartments and no fuel line may run through battery compartments. Both compartments must be sufficiently ventilated.
- (4) A person who contravenes a provision of this section commits an offence.

5. Rules for Boating

- (1) No person may leave a boat or vessel unattended in the water area unless it has been properly anchored, moored or removed to dry land at a safe height above the water level.
- (2) Notwithstanding the provisions of sub-section (1), no boat or vessel may be left unattended in the water area for a period in excess of 24 hours.
- (3) No boat or vessel may be moored or launched at any place other than that indicated or approved by the municipality and an authorised officer or the municipality may move any boat or vessel or moor it at any other place without the consent of the owner if he deems it to be in the public interest. Such movement shall be at the sole risk of the owner of the boat or vessel.
- (4) No boat or vessel may be moored to any other boat or vessel or to a marker, buoy or other navigational aid.
- (5) The helmsman of any boat or vessel must ensure that he can at all times exercise full control over the boat or vessel while it is underway.
- (6) The helmsman of any boat or vessel towing a line, cable or rope for any purpose whatsoever, must ensure that he does not thereby endanger or cause any inconvenience to another person.
- (7) No person may operate a boat or vessel or allow it to be operated in such a manner that it endangers or creates a nuisance to any other boat or vessel or the occupants thereof or other persons or property or installations in the water or at the water's edge including any boats or vessels moored to any jetty;
- (8) No power boat, which is under way and no person who is water-skiing in the water area, may approach closer than 10 meters from any spot where people are swimming or closer than 10 meters from the side of the river bank or closer than 10 meters from any other boat or vessel or any such other distance as determined by the municipality unless;
 - (a) circumstances are such that the said distances cannot be maintained;
 - (b) assistance is being given in an emergency situation; or
 - (c) the power boat is fishing or any water-skier towed by it is landing or leaving the shore;

Provided that when the prescribed distances are not maintained, the power boat must immediately reduce its speed to less than 10 km per hour.

- (9) No person may be on the bow, forward deck or gunwale of any power boat which is under way unless sufficient safety rails or guard rails have been installed, and no person may jump or dive from any power boat which is under way, except when assistance is being given in an emergency or when it is necessary to moor or to land the power boat.
- (10) Where it is possible, a powerboat must be piloted in such a manner that the median line of the water area shall always be on the port side of the boat. Powerboats must proceed in an anti-clockwise direction, keeping to the right hand side of the water area.
- (11) A power boat must keep clear of sailing boats and boats or vessels propelled by oars or paddles.
- (12) In the case of powerboats, whenever two boats approach each other head-on or approximately head-on, each must alter course to starboard in such a manner that it passes the other on its port side and, subject to the provisions of subsection (8) at such a distance and at such a speed that the wake of either of the vessels shall not endanger the other.
- (13) In the case of powerboats, no boat may pass another boat which is proceeding in the same direction, unless it is safe to do so. Such boat must, when it does so, pass the other boat on the port side unless it is clearly unsafe to do so or there is insufficient room to manoeuvre, and, subject to the provisions of subsection (8), at such a distance and at such a speed that its wake shall not endanger the other vessel or any towed skier. Slower traffic should thus operate closer to the right hand side of the water area to allow as much room as possible on their port side.
- (14) A boat which is being passed shall maintain its speed and direction until the passing boat is safely past.
- (15) In the case of powerboats, whenever two boats approach each other in a manner other than referred to in subsections (12) and (13), the boat which has the other on its port side must maintain its speed and direction and the boat which has the other on its starboard side must keep clear and alter course to starboard so as to pass behind the other boat and must, if necessary, stop or reverse to avoid a collision.
- (16) Whenever two sailing boats are approaching one another in such a way as to involve risk of collision, the following right-of-way rules apply:
 - (a) when each has the wind on a different side, the sailing boat which has the wind on the port side, shall keep clear by altering course to pass behind the other, or by going about, or by stopping; and
 - (b) when both have the wind on the same side, the sailing boat which is to windward (upwind) must keep clear of the vessel which is to leeward (downwind).
 - (c) For the purpose of this subsection, the windward side is the side opposite which the mainsail is carried.
- (17) To avoid collisions, a power boat must give way to other classes of boats or vessels, and a rowing boat or canoe must give way to a sailing boat when circumstances require it, notwithstanding the provisions of subsections (11), (12), (13), (14) and (15); provided that this by-law shall not give the right to the helmsman of any boat or vessel to unnecessarily obstruct or interfere with the course of any other vessel. It is the duty of every user of the water area to take all possible steps to avoid an accident, irrespective of whether they have right-of-way as provided for in this section.
- (18) The helmsman of any boat or vessel must maintain a safe and cautious speed in any area where people are swimming, boats or vessels are moored, where angling is taking place or where buoys are placed and must at all times, and especially whenever visibility is obstructed due to fog or other causes, operate the boat or vessel under his control in such a manner that people, other boats or vessels or other property are not endangered.
- (19) No boat or vessel may follow closer than 100 meters in the wake of a water-skier and the same applies to a boat or vessel towing a skier.
- (20) Boats or vessels leaving a slipway or jetty must give way to incoming or passing boats or vessels.

- (21) No boat, vessel or any vehicle which is propelled by means of a propeller above the water, or by means of a water jet, shall be used in the water area.
- (22) Except in the case of an emergency, no airplane may land in or take off from the water area.
- (23) No boat or vessel may be left on any slipway except for purposes of repair.
- (24) No person may operate a boat or allow it to be operated in such a manner that excessively large waves are generated.
- (25) No person may be towed behind a boat on any apparatus where in the opinion of an authorised officer, the towing of such apparatus poses a danger to the user or any other river users.
- (26) Any person who contravenes a provision of this section commits an offence.

6. Rules for water-skiing where allowed

- (1) No person may water-ski unless wearing an effective life-belt or ski-vest or approved flotation device.
- (2) No steel or other metal cable or wire may be used to tow a water-skier.
- (3) The helmsman of any boat or vessel which tows a water-skier must, before such water-skier is taken in tow, ensure that the water-skier is familiar with the distress signal for water-skiers, namely drawing the hand across the throat, as well as with the other standard communication signals used in water-skiing.
- (4) No water-skiing is allowed between sunset and sunrise and the municipality may also prohibit water-skiing at other times or in certain zones.
- (5) No boat or vessel may tow a water-skier unless a second person older than 16 years is present in the boat or vessel to observe the water-skier.
- (6) No water-skier may drop-off a water-ski except at a spot where the discarded water-ski does not constitute a danger to any other user of the river.
- (7) As soon as a water-skier has dropped the towline, the towing boat must stop until the observer or other passenger has taken the towline on board. The boat must then travel at slow speed to reach the place where the tow will be resumed, or to take the skier on board, or to return to the place where the skier has gone ashore, as the case may be.
- (8) Water-skiing shall be permitted in demarcated areas only.
- (9) The operator of a boat towing a skier must display a red flag measuring a minimum of 500mm by 500mm to indicate any of the following conditions:
 - (a) a skier down in the water, or preparing to ski;
 - (b) a tow line extended from the boat; and
 - (c) a ski in the water in the vicinity of the boat.
- (10) Any person who contravenes a provision of this section commits an offence.

CHAPTER 2: REGISTRATION AND LICENSING OF BOATS

7. Registration and licensing of boats

- (1) Any person who intends to operate a power boat, house boat or pleasure boat on a river must apply in writing on the prescribed form to the municipality for registration and a license for such a boat and in such application must advise the size of the boat, the method of propulsion, motor size and its intended use and what safety equipment the boat is equipped with.
- (2) Any such application must be accompanied by the fees, as determined by the municipality, for the river upon which the applicant intends operating his boat which shall be refundable if the application is not approved.
- (3) A boat in respect of which an application for a license has been made, must be made available for examination by an authorised officer at a date, place and time determined by the authorised officer unless such applicant is advised by the authorised officer that such examination is not required.
- (4) The municipality may, in the interests of safety and environmental sustainability or to ensure compliance with this by-law, limit the number of boats on a river by limiting the licenses to be issued in any given year in respect of any river.
- (5) The municipality may, in the interests of safety or to ensure compliance with this by-law, approve or refuse such application and may, in approving it, impose such conditions as to the manner of operation of or repairs or alterations to such boat as it may deem necessary
- (6) The municipality must refuse to approve an application if it is satisfied that the operation of the boat will—
 - (a) be a source of pollution in a river or the vicinity of a river;
 - (b) cause a nuisance;
 - (c) constitute a danger to persons using it, or to the public or any section of the public;
 - (d) be inappropriate with the area and nature of the river; or
 - (e) create wakes or waves which may create a nuisance to riparian owners or cause unacceptable risk of damage to the environment.
- (7) The registration of a boat is not transferable from any person to another or from one boat to another except where a licensee of a registered boat in terms of this by-law transfers his registration number and license to another boat belonging to him with the written permission of the municipality.
- (8) The registration must specify the licensee, the maximum number of persons permitted to be carried in the boat, the type and overall length of the boat the maximum power of the motor and the identification number allocated to the boat
- (9) The municipality must provide reasons in the event of it refusing to register or license a boat.
- (10) The municipality reserves the right to limit the number of registrations per licensee.

(11) Any person who contravenes a provision of this section or who makes a false declaration in any application commits an offence.

8. Validity of licences, issuing of temporary permits and displaying of tokens

(1) The license of a power boat shall expire as determined by the Municipal Manager for each river in question.

(2) For the purposes of operating a power boat on a river when such boat has not been licensed and may otherwise not be operated in terms of the provisions of this by-law, application may be made to the municipality for the issuing of a temporary permit for the river in respect of which the applicant intends to operate the boat which temporary permit shall be valid for a period as approved by the municipality and against payment of the prescribed fee. No such temporary permit shall be valid for a period in excess of thirty days.

(3) The licensee of a boat must forthwith affix the license or temporary permit or cause it to be affixed to such boat in a manner acceptable to the municipality.

9. Automatic lapsing or cancellation of licences and registrations

(1) A licence and a boat's registration shall lapse automatically if such boat has been removed by or on the authority of the municipality in terms of section 15 (4) on account of pollution caused by the discharge of petrol or oil in a river.

(2) If the municipality is of the opinion that a boat no longer qualifies for licensing in terms of this by-law or in terms of any conditions on which the licence was issued, the license may be cancelled after notice of thirty days to that effect has been given to the licensee, at the address on the license.

10. Cancellation of licences

(1) The municipality may cancel any licence if—

- (a) it is satisfied that the boat in respect of which such licence was issued is no longer seaworthy, or is a source of pollution in the vicinity of a river, or is operated in a manner which constituted a nuisance or danger to other boats or vessels or to the public or any section of the public;
- (b) the boat is transferred, sold or disposed of or if the municipality is satisfied that the licensee has ceased to exercise control over the said boat or to supervise it;
- (c) the licensee has been convicted of an offence relating to the operation or control of a boat in terms of this by-law; or
- (d) any information provided in any application form is incorrect.

(2) If the municipality cancels any licences in terms of this by-law, an authorized officer must forthwith notify the licensee in writing of such cancellation, at the address appearing on the application form

CHAPTER 3: FIXING OF TARIFFS AND FEES

11. Fixing of tariffs, fees and levies

(1) The municipality may determine tariffs, fees and levies for the registration and licensing of boats and the provision of discs and tokens in respect of rivers or any particular river.

(2) In fixing tariffs, fees and levies in terms of subsection (1), the municipality may distinguish between various classes of boats or vessels making use of a river or any facilities, or in respect of their size, method of propulsion or use, or may make any other distinctions which, in the opinion of the municipality, are relevant in fixing such tariffs or fees.

(3) Any application for the licensing of a boat and the use of any facilities by a boat or vessel or for a temporary permit shall be accompanied by the prescribed fees as determined by the municipality.

(4) All income derived from permits issued for recreational activities in terms of this by-law must be allocated to the control of recreational activities or maintenance of public infrastructure in and around the river from which the income was derived or both the control and maintenance.

CHAPTER 4: POLLUTION OF RIVERS

12. Pollution of rivers

(1) No person, except with the permission of the municipality and in compliance with the provisions of the Sea-Shore Act, 1935 (Act 21 of 1935), may allow any sewer pipe or tank to discharge into a river or allow any other waste water from any other source to drain into the river.

(2) No substance such as petrol, oil or any toxic or noxious substance may be disposed of in a river.

(3) No person may throw bottles, cans, garbage or refuse of any kind whatsoever into the water or onto abutting land or any facility except in receptacles furnished for that purpose.

(4) No person may by any act or omission, whether directly or indirectly, allow a nuisance or the creation or continuation of a source of danger, or allow any interference with the convenience or comfort of persons in the vicinity of a river.

(5) No person may dispose of any fish remains in the river.

(6) A person who contravenes any provision of this section commits an offence.

CHAPTER 5: POWERS OF AUTHORISED OFFICERS

13. Powers of authorized officers

(1) Any person who operates an unlicensed boat on a river or contravenes any provision of this by-law, may be ordered by an authorized officer to remove such boat forthwith from the river or to cease such contravention, and non-compliance with such order shall constitute an offence.

(2) Any authorized officer shall have the right to board a boat or vessel at any time and to inspect it for the purposes of ensuring compliance with the provisions of this by-law.

(3) Any authorized officer may, in the water area—

- (a) investigate and test any boat or vessel or part thereof or any equipment thereon in order to determine whether the boat or vessel is suitable for navigation on or in the water and whether the provisions contained in this by-law have been complied with;

- (b) call for any information regarding the boat or vessel from the helmsman and may, if the helmsman is unable to furnish the information, order him to remove the boat or vessel forthwith from the water until such time as the request can be complied with;
 - (c) require the helmsman to furnish his name and address or the name and address of the licensee and any other information required for identification purposes;
 - (d) require any other person in the boat or vessel other than the helmsman, to furnish his name and address as well as any other information required for identification of the helmsman or the licensee;
 - (e) if it appears to him that the helmsman of any boat or vessel, owing to physical or mental condition, irrespective of how this originated, is not capable of steering the boat or vessel or of being in control of it, forbid the helmsman temporarily from continuing to steer or being in control of the boat or vessel and may make arrangements which in his opinion are necessary or advisable for the safe disposal of the boat or vessel;
 - (f) if it appears to him that the load or number of persons transported in any boat or vessel is more than that stated on the registration certificate or more than can be transported in reasonable safety under prevailing conditions, forbid the helmsman of such a boat or vessel to proceed until the load or the number of persons has been reduced in the manner he considers necessary or advisable;
 - (g) if it appears to him that any boat or vessel or part thereof is un-navigable in or on the water, order the helmsman to remove the boat or vessel forthwith from the water area until such time as the boat or vessel or part thereof has been made navigable in or on the water;
 - (h) if it appears to him that any of the equipment prescribed by this by-law is not on board the boat or vessel or in good working condition or easily available for immediate use on board, order the helmsman to remove the boat or vessel forthwith from the water area until such time as all the provisions of this by-law have been complied with
 - (i) remove any fishing rod or line that has been left unattended, from a river, if in his opinion the rod or line constitutes a threat to the safety of others.
- (4) No person may—
- (a) obstruct or interfere with any authorized officer whilst the latter is engaged in the execution of his duties; of
 - (b) refuse to furnish his or her correct name and address when requested to do so by an authorized officer.
- (5) A person who contravenes any provision of subsection (4) commits an offence.

14. Delegation of power

The municipality may delegate and or transfer any powers conferred on it under this by-law with the exception of the power to levy or determine fees, to any person or persons or organization.

15. Removal of boats from the river

- (1) If the owner of an unlicensed boat fails to remove such boat from a river after having been instructed to do so by the municipality or any authorized officer, the municipality may remove such boat forthwith.
- (2) (a) In the event of the municipality canceling any license, or if any license expires or lapses in terms of this by-law, the owner of the boat, the license of which has expired or lapsed or has been cancelled, must immediately remove such boat from the river;
- (b) If the owner of a boat, the license of which has expired or lapsed or has been cancelled, fails to remove such boat for vessel from a river within thirty days after such license has expired or lapsed or after notification to him of the said cancellation, the municipality may remove such boat forthwith.
- (3) Any boat in or on a river for which the fees as prescribed by the municipality are in arrears for more than thirty days, may be removed from the river by the municipality after written notice has been given to the owner or licensee.
- (4) Where the municipality is entitled to remove a boat, an authorized officer may make any arrangements considered necessary by him to ensure the removal of such boat or vessel and the municipality may recover the cost of such removal from the owner or licensee.
- (5) If a boat or vessel removed from the river in terms of the provisions of subsections (1), (2)(b) or (4) is not claimed within ninety days after such removal, or in the case of a boat or vessel referred to in subsection (3), within ninety days after the said written notice has been given and all fees in arrears have been paid, the municipality may seize such boat or vessel by Court Order to claim fees in arrears.

CHAPTER 6: HOUSEBOATS

16. Houseboats

- (1) No person may, in the water area, keep or use any houseboat without the prior written approval of the municipality.
- (2) The owner of any houseboat wishing to use it on the river must apply to the municipality by completion of the prescribed form and payment of the prescribed fee. The application must contain full details pertaining to the construction, size, method of propulsion, intended use and area of operation. Furthermore, the applicant must satisfy the municipality that the houseboat has sufficient facilities to store any rubbish, waste or sewerage generated on board the houseboat.
- (3) The municipality may request any further detail pertaining to the houseboat which it deems necessary to enable it to decide whether to grant authorization or not.
- (4) The houseboat, in respect of which the application has been made, must be submitted for examination by an authorized officer of the municipality at a date, place and time appointed by the authorizing officer.
- (5) The municipality, in granting authorization to keep or use a houseboat on a river may impose such conditions as it deems necessary in the interests of safety or to limit the impact of the houseboat on other users of the river.
- (6) The municipality is entitled, at its sole discretion to limit the number of houseboats operating on the river.
- (7) Any authorization granted by the municipality shall be valid for a period of 12 months, where after it shall automatically lapse and thereafter the owner of the houseboat must submit an application for permission as provided herein.
- (8) The owner of a houseboat used on a river must ensure that all persons operating the houseboat shall have the necessary skill to control the houseboat.

(9) No houseboat shall be allowed to remain anchored at any place on the river for a period longer than 24 hours, without the written permission from the municipality.

(10) Every houseboat shall be required to obtain the relevant safety certification from the South African Maritime Safety Authority (SAMSA).

CHAPTER 7: SPECIFIC PROVISIONS RELATING TO CERTAIN RIVERS

17. Management plans for specific rivers

(1) The municipality must compile and publish management plans for the control and use of the following rivers in its area of jurisdiction—

- (a) Breede River;
- (b) Goukou River;
- (c) Gouritz River; and
- (d) Duiwenhoks River.

(2) The management plans contemplated in subsection (1) must provide for rules, including, but not limited to—

- (a) the use of boats or vessels on the rivers and the sizes and numbers to be allowed;
- (b) safety on the rivers;
- (c) pollution of rivers;
- (d) erection of structures and facilities;
- (e) demarcation of areas for usage;
- (f) the organization of public events and regattas; and
- (g) protection of fish, bird- or animal life and vegetation.

(3) The management plans contemplated in subsection (1) must be subject to a public participation process involving communities and interest groups.

(4) A person who fails to comply with any directives, conditions or rules laid down in a management plan contemplated in subsection (1) commits an offence.

CHAPTER 8: GENERAL PROVISIONS

18. Exemption from liability

(1) The municipality shall not be liable for any injury which is sustained by any person using a river or any other facilities or for damage to any property thereon, whatever the cause may be. (2) The municipality as a whole, individual councilors, any person in the service of the Council, any authorized officer or any person or organization to whom the municipality has delegated any powers in terms of section 13 of this by-law shall not, except in the event of any willful act or omission on the part of the municipality or the said person or organization, be liable for any loss or damage which results from any loss of or damage to property which is caused by or arises out of or in connection with anything which is done or performed in good faith in exercise or performance of a power or duty conferred or imposed in terms of this by-law.

19. 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.

20. 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.

21. Penalties

A person who has committed an offence in terms of this by-law is liable upon conviction to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and, 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, 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.

22. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar 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 Local Government: Municipal Structures Act, Act 117 of 1998.

23. Short title and commencement

This by-law may be cited as the by-law relating to the Management and use of Rivers, and commences on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1

(Section 4)

Equipment required	Type of boat or vessel
1. A life belt	Any boat or vessel, excluding a canoe, paddle-ski, paddle-boat, or rowing boat.
2. Life- buoy or other floating device	
3. Sufficient oars, paddles or poles or alternative propulsion apparatus to land boat or vessel	Any boat or vessel
4. A pump or other bailer	Any boat or vessel, unless boat or vessel has been designed to float with the number of persons on board even if waterlogged
5. A water-skiing rear mirror	Power boat used to tow a water-skier
6. Whistle or siren to be employed for prevention of collisions	Power boat House boat
7. Fire extinguisher	
8. Flame arrestor for each carburetor of any petrol motor on the boat or vessel, except an outboard motor	
9. Silencer on the exhaust	Any motor driven boat or vessel
10. Lights which must be visible for a distance of at least 200 metres if boat or vessel is used between the hours of sunset and sunrise: (a) white light visible from all angles (b) port and starboard lights visible for 112.5 degrees (c) lantern or flashlight to be shown to prevent collisions	Power boats and sailing boats whilst at anchor Power boats and sailing boats whilst underway Vessels other than a power boat
11. Container for refuse	Any boat or vessel, excluding a canoe, paddle-ski or sailboard
12. Anchor with at least 30 metres of anchor line	Any boat or vessel, excluding a canoe, paddle-ski, jet-ski or sailboard

16 January 2009

33471

HESSEQUA MUNISIPALITEIT**VERORDENING INSAKE DIE BESTUUR EN GEBRUIK VAN RIVIERE**

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Hessequa Munisipaliteit as volg:—

INHOUDSOPGAWE

1. Woordomskrywings

HOOFSTUK 1: BESTUUR VAN BOTE EN DIE GEBRUIK VAN RIVIERE

2. Gebruik van bote op riviere

3. Verbode gedrag

4. Toerusting aanboord 'n boot of vaartuig

5. Reëls vir die gebruik van bote

6. Reëls vir waterski, waar toegelaat

HOOFSTUK 2: REGISTRASIE EN LISENSIËRING VAN BOTE

7. Registrasie en lisensiëring van bote

8. Geldigheid van lisensies, uitreik van tydelike permitte en die vertoon van tekens

9. Outomatiese verval en kansellasië van lisensies en registrasies

10. Kansellasië van lisensie

HOOFSTUK 3: VASSTELLING VAN TARIËWE EN FOOIE

11. Vasstelling van tariewe en fooie

HOOFSTUK 4: BESOEDELING VAN RIVIERE

12. Besoedeling van riviere

HOOFSTUK 5: BEVOEGDHEDE VAN GEMAGTIGDE BEAMPTES

13. Bevoegdhede van gemagtigde beamptes

14. Delegasie van bevoegdhede

15. Verwydering van bote van riviere

HOOFSTUK 6: HUISBOTE

16. Huisbote

HOOFSTUK 7: BESONDERE BEPALINGS TEN OPSIGTE VAN SEKERE RIVIERE

17. Bestuursplanne vir riviere

HOOFSTUK 8: ALGEMENE BEPALINGS

18. Vrystelling van aanspreeklikheid
 19. Vrystelling van bepalings
 20. Appèl
 21. Strawwe
 22. Herroeping van verordeninge
 23. Kort titel en inwerkingtrede

BYLAE 1: TOERUSTING WAT OP BOTE EN VAARTUIE MOET WEES

1. In hierdie verordeninge, tensy dit uit die samehang anders blyk, beteken—

“boot” of “vaartuig” enige vervoer wat op of in water kan dryf of ontwerp is om op of in water te navigeer, insluitende, maar nie beperk nie tot, ’n seilboot, seilbord, waterponie, vissersboot, platboomskuit, pont, huisboot, plesierboot, waterfiets en vlot;

“boeg” die voorkant van die vaartuig;

“verordening” hierdie verordening en enige wysigings daaraan;

“keerdatum” 30 Junie van elke jaar of sodanige ander datum soos deur die munisipaliteit bepaal;

“stuurman” ’n persoon wat ’n boot of vaartuig stuur of in beheer is daarvan;

“huisboot” enige vaartuig of boot, ongeag of dit op eie krag aangedryf word, wat deur meer as een persoon geokkupeer kan word, toegerus is met akkommodasiegeriewe vir die dag of nag en waarop geriewe vir die voorbereiding van kos asook toilette of wasgeriewe voorsien word, maar sluit ’n seilboot en ’n kajuitboot wat nie met ablusie- of kookgeriewe toegerus is nie, uit;

“gelisensieërde” die persoon in wie se naam ’n boot of vaartuig geregistreer is soos deur hierdie verordening vereis;

“gemagtigde beampte” enige persoon wat deur die munisipaliteit gemagtig is om die funksies van ’n gemagtigde beampte ingevolge hierdie verordening uit te oefen or ’n lid van die Suid-Afrikaanse Polisie;

“munisipaliteit” beteken die Hessequa Munisipaliteit wat ingevolge Artikel 12 van die Wet op Munisipale Strukture, 117 van 1998, daargestel is en sluit alle politieke strukture, politieke ampsdraers, raadslede, behoorlik gemagtigde agente of alle werknemers in wat ingevolge hierdie verordening optree uit hoofde van ’n bevoegdheid wat by die munisipaliteit berus en aan sodanige politieke struktuur, politieke ampsdraer, raadslid, agent of werknemer gedelegeer of gesubdelegeer is;

“munisipale bestuurder” die munisipale bestuurder van die munisipaliteit;

“omgewing van die rivier” eiendom langs of in die onmiddellike omgewing van die rivier;

“gebruik” of “beheer” of enige soortgelyke uitdrukking ten opsigte van ’n boot of vaartuig, om ’n boot of vaartuig te water te laat, te gebruik, te seil, te navigeer, te dok of om ’n boot of vaartuig op ’n rivier te hê of om toe te laat dat ’n boot of vaartuig op ’n rivier is;

“toestemming” die geskrewe toestemming van die munisipaliteit;

“plesierboot” enige vaartuig of boot ongeag of dit op eie krag aangedryf word, wat deur meer as een persoon geokkupeer kan word, wat gebruik word vir die vermaak van passasiers by wyse van skemervaarte, onthale of enige ander vorm van vermaak;

“bakboord” die linkerkant van die boot of vaartuig soos beskou vanaf die boeg;

“kragboot” enige boot of vaartuig wat aangedryf word deur ’n motor of ander meganiese apparaat, hetsy binne- of buiteboord en ongeag of sodanige motor of apparaat die hoof kragbron is;

“publiseer” ten opsigte van die bepalings van artikel 17(1)—

(a) om in die Provinsiale Gazette en ’n plaaslike koerant te publiseer; en

(b) om die kennisgewing wat gepubliseer is op die munisipaliteit se kennisgewingborde te vertoon;

“geregistreeerde boot” ’n boot of vaartuig wat ingevolge artikel 6 van hierdie verordening van ’n identifikasienommer voorsien is;

“rivier” die Breede Rivier, die Goukou Rivier, die Gouritz Rivier, die Duiwenhoks Rivier of enige ander rivier in die munisipaliteit se jurisdiksiegebied;

“roeiboot” ’n boot of vaartuig wat ontwerp is om aangedryf te word deur middel van spane sonder enige meganiese bystand;

“seil” of “onderweg” die stand van ’n boot of vaartuig wat nie ge-anker of gedok is nie of op droë grond is;

“seilboot” enige boot of vaartuig wat deur die middel van seile deur die wind aangedryf kan word;

“SAMV” die Suid-Afrikaanse Maritieme Veiligheidsgeesag (South African Maritime Safety Authority);

“stuurboord” die regterkant van die boot of vaartuig soos beskou vanaf die boeg;

“stewe” die agterkant van ’n boot of vaartuig;

“sigbaar” sigbaar vir iemand met redelike sig tydens ’n donker nag met ’n skoon atmosfeer;

“watergebied” die gebied tussen die hoogwatermerk op beide banke van die rivier en sy monding op enige gegewe tyd;

“waterski” om in die water te ski of skaats met of sonder enige bystand van enige soort skitoerusting en waar die waterskiër deur ’n boot of vaartuig gesleep word aan ’n sleeptou;

“water-skiër” of “skiër” ’n persoon wat waterski.

HOOFSTUK 1: BESTUUR VAN BOTE EN DIE GEBRUIK VAN RIVIERE

2. Gebruik van bote op riviere

- (1) Niemand mag ’n boot met ’n masjien van meer as 15 perdekrags op ’n rivier gebruik of in beheer daarvan wees nie, tensy—
 - (a) so ’n boot deur die munisipaliteit geregistreer en gelisensieër is nie;
 - (b) ’n tydelike permit vir sodange boot uitgereik is vir die bepaalde rivier waarop die boot gebruik gaan word nie; en
 - (c) die persoon wat die boot beheer in besit is van ’n geldige skipperslisensie of ’n sertifikaat van bekwaamheid wat deur die SAMV uitgereik is.
- (2) ’n Persoon onder die ouderdom van 15 jaar mag slegs in beheer wees van ’n boot met ’n masjien van 15 perdekrags of minder terwyl so ’n persoon vergesel is van ’n persoon wat in besit is van ’n geldige sertifikaat van bekwaamheid.
- (3) Waar enige lisensiehouer van ’n boot soos bedoel in subartikel (1) toelaat dat enige ander persoon, wat nie in besit is van ’n sertifikaat soos bedoel in subartikel (2) nie, ’n boot gebruik of beheer, of wat na die mening van die gemagtigde beampte nie bevoeg is om ’n boot met die nodige respek vir die omgewing te gebruik of in beheer daarvan te wees nie, mag so ’n gemagtigde beampte die gelisensieerde instruksie gee om nie so ’n ander persoon toe te laat om sodanige boot te gebruik of in beheer daarvan te wees nie.
- (4) Enige persoon wat ’n bepaling van hierdie artikel oortree, pleeg ’n misdryf.

3. Verbode gedrag

- (1) Geen persoon mag ’n boot of vaartuig op ’n rivier gebruik—
 - (a) op ’n roekelose of nalatige wyse nie;
 - (b) terwyl hy onder die invloed van drank of dwelmmiddels is, of terwyl die alkohol persentasie in sy bloed 0.05 of meer, uitgedruk in gram per 100 milliliters bloed;
 - (c) terwyl hy aan ’n siekte of swakheid lei wat hom ongeskik maak of dit te doen nie;
 - (d) op ’n wyse wat deur die gemagtigde beampte beskou word gevaarlik te wees vir die publiek of die insittendes van so ’n boot of vaartuig of op ’n wyse wat bereken is om eiendom of geriewe in gevaar te stel of te beskadig, met inagneming van al die omstandighede van die geval;
 - (e) op ’n wyse wat na die mening van die gemagtigde beampte ’n oorlas daarstel;
 - (f) sonder redelike inagneming van die regte van ander persone wat so ’n rivier gebruik;
 - (g) terwyl dit olie, petrol, besoedelende of enige ander toksiese of aanstootlike middele lek;
 - (h) indien die vrag of die aantal persone aan boord die dravermoë van die vaartuig oorskrei, soos aangedui op die vaartuig se registrasiesertifikaat of soos gemeld op die lisensie;
 - (i) indien die boot of vaartuig nie by die munisipaliteit geregistreer en gelisensieër is soos in hierdie verordening vereis word en indien die identifikasienommer wat ten opsigte van die boot of vaartuig uitgereik is nie permanent aangebring is op ’n wyse deur die munisipaliteit bepaal nie; en
 - (j) in stryd met enige gebruiksone op ’n rivier soos deur die munisipaliteit bepaal is nie.
- (2) Geen persoon mag in die watergebied sonder die voorafverkreë skriftelike goedkeuring van die munisipaliteit—
 - (i) teen vergoeding of vir wins enige vertoning of vermaak aanbied of enige besigheid of enige ambag bedryf of enige boor of vaartuig verhuur nie;
 - (ii) enige boot of vaartuig vir die vervoer van passassiers of goedere teen vergoeding aanhou of gebruik nie;
 - (iii) enige visvangkompetisie reël of aanbied nie; of
 - (iv) enige wedren, vergadering of regatta reël of aanbied nie.
- (3) Wanneer die munisipaliteit goedkeuring verleen ingevolge subartikel (2) mag dit enige voorwaardes stel wat dit in die lig van die omstandighede van elke geval goedgevind ten einde die publiek se veiligheid te beskerm.
- (4) Terwyl in ’n watergebied, mag geen persoon—
 - (a) onweloweglike, aanstootlike of onbehoorlike taal gebruik nie;
 - (b) homself op ’n aanstootlike, onbehoorlike of wanordelike wyse gedra nie;
 - (c) opsetlik of nalatiglik enige iets doen wat ongerief van ander gebruikers van die watergebied mag veroorsaak, of wat die vreedzaamheid mag versteur nie.
- (5) Niemand mag—
 - (a) van enige brug af of binne 20 meter aan enige kant van ’n sleephelling visvang nie
 - (b) sonder ’n permit scubaduik, vis skiet of visnette, behalwe ’n land- of gooinet, gebruik nie;
 - (c) in enige rivier swem waar bootry toegelaat word nie, tensy dit in ’n gebied is wat vir swem gereserveer is en indien dit as sulks deur ’n kennisgewingbord aangedui word;
 - (d) sonder ’n lisensie visvang nie;
 - (e) enige skeertuig, straalaangedrewe watertuig (insluitende, maar nie beperk nie tot waterponies) of seevliegtuig gebruik of enige valskeermaktiwiteite beoefen op enige deel van die watergebied van ’n rivier nie; of

- (f) enige obstruksie op of naby 'n rivier se oppervlak plaas nie.
- (6) Die munisipaliteit mag die grootte beperk van enige motor wat op enige rivier of gedeelte van 'n rivier gebruik word.
- (7) Die munisipaliteit mag aan enige rivier of gedeelte daarvan gebruiksones toeken vir die beskerming van die omgewing of vir veiligheidsoorwegings.
- (8) Die bepalings van subartikel (1)(i) is slegs van toepassing op 'n boot bedoel in artikel 2(1).
- (9) Enige persoon wat 'n bepaling van hierdie artikel oortree, pleeg 'n misdryf.

4. Toerusting aanboord 'n boot of vaartuig

- (1) Geen persoon mag enige boot of vaartuig op 'n rivier gebruik nie tensy die toerusting wat in Bylae 1 gelys is aanboord so 'n boot of vaartuig is nie.
- (2) Alle lewensreddingstoerusting aan boord van 'n boot of vaartuig moet in 'n goeie, werkende toestand en binne maklike reikafstand wees vir onmiddellike en effektiewe gebruik.
- (3) Die batterye en brandstof van enige boot of vaartuig moet in afsonderlike kompartemente gehou word en geen brandstoftoevoerpyp mag deur 'n batterykompartement loop nie. Beide kompartemente moet behoorlik geventileer wees.
- (4) Enige persoon wat 'n bepaling van hierdie artikel oortree, pleeg 'n misdryf.

5. Reëls vir die gebruik van bote

- (1) Niemand mag 'n boot of vaartuig sonder toesig in die watergebied laat tensy dit behoorlik ge-anker, vasgemeer of na droeë grond tot 'n veilige hoogte bo die watervlak verwyder is nie.
- (2) Nieteenstaande die bepalings van subartikel (1), mag geen boot of vaartuig in 'n watergebied vir 'n langer tydperk as 24 ure sonder toesig gelaat word nie.
- (3) Geen boot of vaartuig mag vasgemeer of te water gelaat word op enige plek wat nie 'n plek is wat deur die munisipaliteit aangedui of goedgekeur is nie, en 'n gemagtigde beampte of die munisipaliteit mag enige boot of vaartuig sonder die toestemming van die eienaar skuif, of dit op 'n ander plek vasmeer indien dit in openbare belang geag word en sodanige beweging sal gedoen word op die risiko van die eienaar van die boot of vaartuig.
- (4) Geen boot of vaartuig mag vasgemeer word aan enige ander boot of vaartuig of aan 'n merker, boei of ander navigasiehulpmiddel.
- (5) Die stuurman van enige boot of vaartuig moet seker maak dat hy te alle tye volle beheer oor die boot of vaartuig kan uitoefen terwyl dit onderweg is.
- (6) Die stuurman van enige boot of vaartuig wat 'n lyn, kabel of tou vir enige doeleindes sleep, moet seker maak dat geen ander persoon in gevaar gestel of verontrief word nie.
- (7) Geen persoon mag 'n boot of vaartuig gebruik of toelaat dat dit gebruik word op so 'n wyse dat dit gevaar of oorlas veroorsaak vir enige ander boot of vaartuig of die insittendes daarvan of vir ander persone of eiendom of installasies in die water of aan die rand van die water of vir enige bote of vaartuie wat by 'n kaai vasgemeer is nie.
- (8) Geen kragboot wat onderweg is en geen persoon wat in 'n watergebied waterski mag nader as 10 meter gaan aan 'n plek waar mense swem of nader as 10 meter van die kant van 'n rivier of nader as 10 meter van enige ander boot of vaartuig of sodanige ander afstand soos deur die munisipaliteit bepaal, tensy:
 - (a) omstandighede sodanig is dat die gemelde afstande nie gehandhaaf kan word nie;
 - (b) bystand verleen word in 'n noodsituasie; of
 - (c) die kragboot gebruik word om vis te vang of enige waterskiër wat deur dit getrek word besig is om aan land te gaan of dit te verlaat;

Met dien verstande dat waar die voorgeskrewe afstande nie gehandhaaf word nie, moet die kragboot onmiddellik sy spoed na minder as 10 km per uur verminder.

- (9) Niemand mag op die boeg, voordek of boordwand van enige kragboot wat onderweg is wees nie tensy voldoende veiligheidsreëlings aangebring is, en geen persoon mag vanaf enige kragboot wat onderweg is spring of duik nie tensy hulp verleen word in 'n noodgeval of tensy dit nodig is om die boot te water te laat of aan land te bring.
- (10) Waar moontlik, moet 'n kragboot so geloods word dat die mediaanlyn van die water altyd aan die bakboordkant van die boot is en kragbote moet anti-klokgewys beweeg en aan die regterkant van die watergebied hou.
- (11) 'n Kragboot moet weghou van seilbote en bote of vaartuie wat deur roeispane of spane aangedryf word.
- (12) In die geval van kragbote, wanneer twee bote kop-aan-kop of naastenby kop-aan-kop nader, moet elkeen sy koers so na stuurboord verander sodat hulle mekaar aan die bakboordkant verbygaan en, onderworpe aan die bepalings van subartikel (8), op so 'n afstand en teen so 'n spoed dat die kielwater van enige van die vaartuie nie die ander in gevaar stel nie.
- (13) In die geval van kragbote, mag geen boot 'n ander boot wat in dieselfde rigting beweeg verbygaan nie tensy dit veilig is om so te doen. So 'n boot moet, wanneer 'n ander boot verbygesteek word, sodanige boot aan die bakboordkant verbygaan tensy dit ooglopend onveilig is of indien daar genoegsame ruimte is om te manuevre en, onderworpe aan die bepalings van subartikel (8), op so 'n afstand en teen so 'n spoed dat die kielwater nie die ander vaartuig of 'n skiër in gevaarstel nie. Stadiger verkeer moet dus nader aan die regterkant van die watergebied hou ten einde soveel ruimte moontlik aan die bakboordkant te laat.
- (14) 'n Boot wat verbygegaan word moet sy spoed en rigting hanhaaf totdat die verbyganende boot veilig verby is.
- (15) In die geval van kragbote, wanneer twee bote mekaar nader op 'n ander wyse as vermeld in subartikels (12) en (13), moet die boot wat die ander boot aan sy bakboordkant het sy spoed en rigting handhaaf en die boot wat die ander boot aan sy stuurboordkant het moet koers na stuurboord verander sodat hy agter die ander boot verbygaan en moet, indien nodig, stop of agteruitbeweeg ten einde 'n botsing te voorkom.
- (16) Wanneer twee seilbote mekaar nader op 'n wyse wat die risiko van 'n botsing inhou, geld die volgende reg van weg reëls:
 - (a) indien elkeen die wind aan 'n verskillende kant kry, moet die seilboot wat die wind aan bakboordkant kry die weg oophou deur koers te verander sodat hy agter die ander boot verbygaan, of deur om die ander boot te gaan of te stop; en

- (b) indien beide die wind aan dieselfde kant kry, moet die seilboot wat aan die loefsy (wind-op) is wegbly van die vaartuig wat aan die lykant (wind-af) is;
- (c) Vir die doeleindes van hierdie subartikel is die loefsy die teenoorgestelde kant van die kant waar die hoofseil gedra word.
- (17) Ten einde botsings te vermy, moet 'n kragboot die reg van weg gee aan ander klasse bote of vaartuie, en 'n roeiboot of kano moet die reg van weg gee aan 'n seilboot wanneer omstandighede dit vereis, niestandaard die bepalings van subartikels (11), (12), (13), (14) en (15), met dien verstande dat hierdie verordening nie aan enige stuurman die reg gee om onnodig die rigting van 'n ander vaartuig te blokkeer of daarmee in te meng nie. Dit is die plig van elke gebruiker van die watergebied om alle moontlike stappe te neem ten einde 'n ongeluk te voorkom, ongeag wie die reg van weg het soos bepaal in hierdie verordening.
- (18) Die stuurman van enige boot of vaartuig moet 'n veilige en versigtige spoed handhaaf in gebiede waar mense swem, bote of vaartuie vasgemaak is, waar visgevang word of waar boeie geplaas is en moet te alle tye, en veral wanneer sigbaarheid deur mis of ander oorsake belemmer word, die boot so hanteer dat mense, ander bote of vaartuie of ander eiendom nie in gevaar gestel word nie.
- (19) Geen boot of vaartuig mag nader as 100 meter in die kielwater van 'n waterskiër volg nie en dieselfde geld vir 'n boot of vaartuig wat 'n skiër trek
- (20) Bote en vaartuie wat 'n sleepstelling of jettie verlaat moet die reg van weg verleen aan inkomende of verbygaande bote of vaartuie.
- (21) Geen boot, vaartuig of ander voertuig wat by wyse van 'n skroefprop bokant die water, of by wyse van 'n waterstraal aangedryf word, mag in die watergebied gebruik word nie.
- (22) Tensy in 'n noodsituasie, mag geen vliegtuig in die watergebied land of opstyg nie.
- (23) Geen boot of vaartuig mag op 'n sleepstelling gelaat word nie, tensy dit vir die doeleindes van herstelwerk is.
- (24) Geen persoon mag 'n boot gebruik, of toelaat dat dit gebruik word, op 'n wyse dat buitensporig groot branders geskep word nie.
- (25) Niemand mag agter 'n boot gesleep word op enige aparatuur wat na die mening van die gemagtigde beampte 'n gevaar vir die gebruiker of ander gebruikers van die rivier inhou nie.
- (26) Enige persoon wat 'n bepaling van hierdie artikel oortree, pleeg 'n misdryf.

6. Reëls vir waterski, waar toegelaat

- (1) Niemand mag waterski tensy hy of sy 'n effektiewe lewensgordel of ski-frokkie of goedgekeurde drywingsapparaat aanhet nie.
- (2) Geen staal of ander metaalkabel of draad mag gebruik word om 'n waterskiër te sleep nie.
- (3) Die stuurman van enige boot of vaartuig wat 'n waterskiër sleep moet, voordat die waterskiër gesleep word, seker maak dat die waterskiër kennis dra van die noodsein vir waterskiërs, naamlik die trek van die hand oor die keel, sowel as ander standaard kommunikasietekens wat in waterski gebruik word.
- (4) Waterski word nie tussen sonsondergang en sonop toegelaat nie en die munisipaliteit mag ook waterski op enige ander tyd of in sekere sones verbied.
- (5) Geen boot of vaartuig mag 'n waterskiër sleep tensy 'n tweede persoon wat ouer as 16 jaar is in die boot teenwoordig is om die waterskiër dop te hou nie.
- (6) Geen waterskiër mag 'n ski uitskop behalwe op 'n plek waar 'n ski wat so uitgeskop is nie 'n gevaar vir enige ander gebruiker van die rivier sal inhou nie.
- (7) Sodra 'n waterskiër die sleeptou laat val, moet die boot stop totdat die observeerder of 'n ander passasjer die sleeptou aanboord geneem het. Die boot moet dan stadig na die plek beweeg vanwaar die sleep voortgesit sal word of die skiër aanboord gebring sal word, of om terug te keer na die plek waar die skiër aan wal gegaan het, wat ookal die geval mag wees.
- (8) Waterski word slegs in afgebakende gebiede toegelaat.
- (9) Die bestuurder van 'n boot wat 'n skiër sleep moet 'n rooi vlag met 'n minimum afmeting van 500mm by 500mm vertoon ten einde die volgende toestande aan te dui:
- (a) Wanneer 'n skiër geval het of wil begin ski;
- (b) wanneer 'n sleeptou vanaf die boot in die water is; en
- (c) wanneer 'n ski in die water in die omgewing van die boot is.
- (10) Enige persoon wat 'n bepaling van hierdie artikel oortree, pleeg 'n misdryf.

HOOFSTUK 2: REGISTRASIE EN LISENSIËRING VAN BOTE

7. Registrasie en lisensiëring van bote

- (1) Enige persoon wat van plan is om 'n kragboot, huisboot of plesierboot op 'n rivier te gebruik moet skriftelik op die voorgeskrewe vorm by die munisipaliteit aansoek doen om registrasie en die lisensie vir so 'n boot en die aansoek moet die grootte van die boot, die metode van aandrywing, die masjiengrootte, die voorgenome gebruik en die veiligheidstoerusting op die boot aandui.
- (2) Enige sodanige aansoek moet vergesel gaan van die fooie, soos deur die munisipaliteit bepaal, vir die rivier waarop die aansoeker van voorneme is om die boot te gebruik en die fooie sal terugbetaalbaar wees indien die aansoek nie goedgekeur word nie.
- (3) 'n Boot ten opsigte waarvan 'n aansoek om 'n lisensie gebring is moet beskikbaar gestel word vir inspeksie deur 'n gemagtigde beampte op 'n datum, plek en tyd vasgestel deur die gemagtigde beampte tensy die aansoeker deur die gemagtigde beampte in kennis gestel word dat sodanige inspeksie nie nodig is nie.
- (4) Die munisipaliteit mag, in belang van veiligheid en omgewingsvolhoubaarheid of ten einde voldoening aan hierdie verordening te verseker, die aantal bote op 'n rivier beperk deur die aantal lisensies te beperk wat in enige gegewe jaar ten opsigte van enige rivier uitgereik word.
- (5) Die munisipaliteit mag, in belang van veiligheid of ten einde voldoening aan hierdie verordening te verseker, enige aansoek goedkeur of afkeur

en mag, wanneer so 'n aansoek goedgekeur word, voorwaardes oplê rakende die wyse van gebruik of van herstelwerk of alterasies aan so 'n boot soos dit mag nodig vind.

(6) Die munisipaliteit moet weier om 'n aansoek goed te keur indien dit van mening is dat die gebruik van die boot—

- (a) 'n bron van besoedeling in 'n rivier of in die omgewing van 'n rivier sal wees;
- (b) oorlas sal veroorsaak;
- (c) 'n gevaar vir die persone wat dit gebruik of die publiek of 'n deel van die publiek sal daarstel;
- (d) onvanpas sal wees in die gebied en die aard van die rivier; of
- (e) kielwater of branders sal veroorsaak wat 'n oorlas vir oewerbewoners sal wees of 'n onaanvaarbare risiko van skade aan die omgewing inhou.

(7) Die registrasie van 'n boot is nie oordraagbaar van een persoon na 'n ander nie of van een boot na 'n ander nie tensy 'n lisensiehouer van 'n boot wat ingevolge hierdie verordening geregistreer is sy registrasienommer en lisensie met die skriftelike goedkeuring van die munisipaliteit oordra na 'n ander boot wat aan hom behoort.

(8) Die registrasie moet die lisensiehouer, die maksimum getal persone wat deur die boot gedra mag word, die tipe en lengte van die boot, die maksimum krag van die motor en die identifikasienommer wat aan die boot toegeken is spesifiseer.

(9) Waar die munisipaliteit weier om 'n boot te registreer of te lisensieer, moet dit redes vir die weiering verstrek.

(10) Die munisipaliteit behou die reg voor om die aantal registrasies per lisensiehouer te beperk.

(11) Enige persoon wat 'n bepaling van hierdie artikel oortree of 'n vals verklaring maak, pleeg 'n misdryf.

8. Geldigheid van lisensies, uitreik van tydelike permitte en die vertoon van tekens

(1) Die lisensie van 'n boot verval soos deur die munisipale bestuurder bepaal vir elke rivier.

(2) Ten einde 'n boot op 'n rivier te gebruik waar so 'n boot nie gelisensieer is nie en anderssins nie in terme van hierdie verordening gebruik mag word nie, mag 'n aansoek tot die munisipaliteit gerig word vir die uitreiking van 'n tydelike permit vir die rivier ten opsigte waarvan die aansoeker van plan is om die boot te gebruik en sodanige tydelike permit sal van krag wees vir 'n tydperk soos deur die munisipaliteit goedgekeur teen betaling van die voorgeskrewe fooi. Geen sodanige tydelike permit sal vir meer as dertig dae geldig wees nie.

(3) Die lisensiehouer van 'n boot moet onverwyld die lisensie of tydelike permit op die boot aanbring of laat aanbring op 'n wyse wat vir die munisipaliteit aanvaarbaar is.

9. Outomatiese verval en kansellering van lisensies en registrasies

(1) 'n Lisensie en 'n boot se registrasie verval outomaties indien so 'n boot deur of op gesag van die munisipaliteit verwyder is ingevolge artikel 15(4) as gevolg van die veroorsaking van besoedeling deur die vrystelling van petrol of olie in die rivier.

(2) Indien die munisipaliteit van mening is dat 'n boot nie langer vir registrasie ingevolge hierdie verordening of ingevolge enige voorwaardes waarop 'n lisensie toegestaan is kwalifiseer nie, mag die lisensie gekanselleer word nadat dertig dae kennis te dien effekte aan die gelisensieëerde gegee is by die adres wat op die lisensie verskyn.

10. Kansellering van lisensie

(1) Die munisipaliteit mag enige lisensie kanselleer indien—

- (a) dit tevrede is dat die boot ten opsigte waarvan so 'n lisensie uitgereik is nie meer seewaardig is nie, of 'n bron van besoedeling in die omgewing van die rivier is, of op 'n wyse gebruik word wat 'n oorlas of gevaar vir ander vaartuie of die publiek of 'n deel van die publiek daarstel;
- (b) die boot oorgedra, verkoop of mee weggedoen is of indien die munisipaliteit oortuig is dat die lisensiehouer nie meer beheer of toesig oor die boot uitoefen nie;
- (c) die lisensiehouer skuldig bevind is aan 'n oortreding wat verband hou met die gebruik van of beheer oor 'n boot ingevolge hierdie verordening; of
- (d) enige inligting wat op die aansoekvorm verstrek is verkeerd is.

(2) Indien die munisipaliteit enige lisensie ingevolge hierdie verordening kanselleer, moet 'n gemagtigde beampte die lisensiehouer onverwyld skriftelik, by die adres wat op die aansoekvorm verskaf is, van sodanige kansellering in kennis stel.

HOOFSTUK 3: VASSTELLING VAN TARIWE EN FOOIE

11. Vasstelling van tariewe, fooie en heffings

(1) Die munisipaliteit mag tariewe, fooie en heffings vasstel vir die registrasie en lisensiering van bote en die verskaffing van skyfies en tekens ten opsigte van riviere of enige besonderse rivier.

(2) By die vasstelling van tariewe, fooie en heffings ingevolge subartikel (1) mag die munisipaliteit onderskei tussen verskillende klasse bote en vaartuie wat van 'n rivier of enige geriewe gebruik maak, ten opsigte van hul grootte, metode van aandrywing of gebruik, of dit mag enige and onderskeid tref wat, na die mening van die munisipaliteit, relevant is tot die daarstelling van sodanige tariewe of fooie.

(3) Enige aansoek vir die lisensiering van 'n boot en die gebruik van geriewe deur 'n boot of vaartuig moet vergesel gaan van die voorgeskrewe fooie deur die munisipaliteit bepaal.

(4) Alle inkomste wat gegenereer word uit permitte wat uitgereik word ingevolge hierdie verordening vir ontspanningsaktiwiteite moet toegewys word aan die beheer van ontspanningsaktiwiteite of die onderhoud van openbare infrastruktuur en en om die rivier ten opsigte waarvan die inkomste gegenereer is of beide die beheer en onderhoud.

HOOFSTUK 4: BESOEDILING VAN RIVIERE

12. Besoedeling van riviere

- (1) Niemand mag, behalwe met die goedkeuring van die munisipaliteit en in ooreenstemming met die bepalings van die Wet op die Beheer oor Strandgebiede, 1935 (Wet 21 of 1935), toelaat dat enige rioolpyp of—tenk in 'n rivier uitloop nie of toelaat dat enige ander afvalwater van enige bron in die rivier beland nie.
- (2) Daar mag van geen stof soos petrol, olie of enige giftige of aanstootlike stof in 'n rivier mee weggedoen word nie.
- (3) Niemand mag enige bottels kanne, afval of vullis van enige aard in die water of op enige aangrensende grond of gerief gooi nie, behalwe in hours wat vir daardie doel voorsien word.
- (4) Niemand mag deur enige handeling of versuim, hetsy direk of indirek, 'n oorlas toelaat of toelaat dat 'n bron van gevaar geskep of voortgesit word, of enige inmenging met die gemak of gerief van persone in die omgewing van 'n rivier toelaat nie.
- (5) Niemand mag enige visafval in 'n rivier stort nie.
- (6) Enige persoon wat 'n bepaling van hierdie artikel oortree, pleeg 'n misdryf.

HOOFSTUK 5: BEVOEGDHEDE VAN GEMAGTIGDE BEAMPTES

13. Bevoegdhede van gemagtigde beamptes

- (1) Enige persoon wat 'n ongelisensieerde boot op 'n rivier gebruik of enige bepaling van hierdie verordening oortree, mag deur 'n gemagtigde beampte aangesê word om so 'n ongelisensieerde boot sonder verwyd van die rivier te verwyder of om sodanige oortreding te staak en nie-nakoming van so 'n bevel is 'n misdryf.
- (2) Enige gemagtigde beampte het die reg om te eniger tyd aan boord 'n vaartuig te gaan en dit te inspekteer ten einde te vas te stel of die bepalings van hierdie verordening nagekom word.
- (3) Enige gemagtigde beampte mag in die watergebied—
 - (a) enige boot of vaartuig of enige toerusting daarop ondersoek en toets ten einde te bepaal of die boot of vaartuig geskik is vir navigasie op of in die water en of die bepalings van hierdie verordening nagekom word;
 - (b) enige inligting ten opsigte van die boot of vaartuig van die stuurman versoek, en indien die stuurman nie in staat is om die inligting te verstrek nie, hom beveel of die boot of vaartuig onverwyld van die water te verwyder tot tyd en wyl daar aan die versoek voldoen kan word;
 - (c) van die stuurman vereis om sy naam en adres asook die naam en adres van die lisensiehouer te verstrek asook enige ander inligting wat vir identifikasiedoeleindes vereis word;
 - (d) van enige ander persoon op die boot of vaartuig, buiten die stuurman, vereis om sy naam en adres asook enige ander inligting wat vir die identifikasie van die stuurman of lisensiehouer vereis word te verstrek;
 - (e) indien dit vir hom voorkom dat die stuurman van enige boot of vaartuig as gevolg van enige fisieke of geestelike toestand, ongeag die oorsprong daarvan, nie in staat is om die boot of vaartuig te stuur of in beheer daarvan te wees nie, die stuurman tydelik verbied om aan te hou stuur of in beheer van die boot of vaartuig en hy mag reëlins tref wat na sy mening nodig en aan te beveel is vir die veilige besorging van die boot of vaartuig;
 - (f) indien dit vir hom voorkom dat die vraag of die aantal persone wat in enige boot of vaartuig vervoer word meer is as wat op die registrasiesertifikaat aangedui word, die stuurman verbied om met die vaart voort te gaan totdat die vraag of die getal persone op die wyse verminder is as wat hy nodig en aan te beveel vind;
 - (g) indien dit vir hom voorkom dat enige boot of vaartuig of deel daarvan nie-navigeerbaar in of op die water is, die stuurman beveel om die boot of vaartuig onverwyld uit die watergebied te verwyder tot tyd en wyl die boot of vaartuig of gedeelte daarvan navigeerbaar gemaak is;
 - (h) indien dit vir hom voorkom dat enige van die toerusting wat deur hierdie verordening voorgeskryf word nie aan boord die boot of vaartuig is nie of nie in 'n goeie werkende toestand is of maklik beskikbaar is vir onmiddellike gebruik nie, die stuurman beveel om die boot of vaartuig onverwyld uit die watergebied te verwyder tot tyd en wyl daar aan al die bepalings van hierdie verordening voldoen word;
 - (i) enige visstok of—lyn wat onbewaak gelaat word van 'n rivier verwyder, indien sodanige stok of lyn 'n gevaar vir die veiligheid van ander persone.
- (4) Niemand mag—
 - (a) met 'n gemagtigde beampte inmeng in die uitvoering van sy pligte nie of hom belemmer om sy werk te doen nie; of
 - (b) weier om sy naam of korrekte adres op versoek van 'n gemagtigde beampte te vertrek nie.
- (5) Enige persoon wat 'n bepaling van subartikel (4) oortree, pleeg 'n misdryf.

14. Delegasie van bevoegdhede

Die munisipaliteit mag enige bevoegdhede wat aan dit opgedra is ingevolge hierdie verordening, met die uitsondering van die bevoegdheid om fooie te hef of vas te stel, aan enige persoon, persone of organisasies deleger of oordra.

15. Verwydering van bote van die rivier

- (1) Indien die eienaar van 'n ongelisensieerde boot versuim om so 'n boot van die rivier te verwyder nadat hy aangesê is om dit te doen deur die munisipaliteit of enige gemagtigde beampte, mag die munisipaliteit sodanige boot onverwyld verwyder.
- (2) (a) Waar die munisipaliteit enige lisensie kanselleer, of indien enige lisensie verstryk of verval in terme van hierdie verordening, moet die eienaar van die boot waarvan die lisensie verval of verstryk het so 'n boot onverwyld van die rivier verwyder;
- (b) Indien die eienaar van 'n boot waarvan die lisensie verval of verstryk het of dit gekanselleer is, versuim om sodanige boot binne dertig dae nadat die lisensie verval of verstryk het of na kennisgewing dat dit gekanselleer is te verwyder, mag die munisipaliteit sodanige boot onverwyld verwyder.

- (3) Enige boot in of op 'n rivier waarvan die fooie soos voorgeskryf deur die munisipaliteit vir meer as dertig dae agterstallig is, mag van die rivier verwyder word deur die munisipaliteit nadat skriftelik kennis gegee is aan die eienaar of lisensiehouer.
- (4) Waar die munisipaliteit gemagtig is om 'n boot of vaartuig te verwyder, mag 'n gemagtigde beampte enige reëling tref wat hy nodig vind ten einde seker te maak dat so 'n boot of vaartuig verwyder word en die munisipaliteit mag die koste verbonde aan sodanige verwydering van die eienaar of lisensiehouer verhaal.
- (5) Indien 'n boot of vaartuig wat ingevolge subartikel (4) van 'n rivier verwyder is ingevolge die bepalings van subartikels (1), (2)(b) of (4) nie binne negentig dae na sodanige verwydering geëis word nie, of in die geval van 'n boot of vaartuig waarna verwys word in subartikel (2)(b) of (4), binne negentig dae nadat sodanige kennis gegee is en nadat alle agterstallige fooie betaal is, mag die munisipaliteit op sodanige boot of vaartuig ingevolge 'n hofbevel beslag lê ten einde die agterstallige fooie te verhaal.

HOOFSTUK 6: HUISBOTE

16. Huisbote

- (1) Niemand mag 'n huisboot binne die watergebied aanhou of gebruik sonder die voorafverkreë skriftelike goedkeuring van die munisipaliteit nie.
- (2) Die eienaar van enige huisboot wat sodanige boot op 'n rivier wil gebruik moet skriftelik op die voorgeskrewe vorm by die munisipaliteit aansoek doen teen betaling van die voorgeskrewe fooi. Die aansoek moet volle besonderhede bevat van die konstruksie, grootte van die boot, die metode van aandrywing, die voorgenome gebruik en die gebied waar dit gebruik sal word. Voorts moet die aansoeker die munisipaliteit tevrede stel dat die huisboot voldoende geriewe aan boord het vir die bewaring van vullis, afval of riool wat aan boord gegenereer mag word.
- (3) Die munisipaliteit mag sodanige verdere besonderhede ten opsigte van die huisboot versoek wat dit nodig mag ag om dit in staat te stel om te besluit of die aansoek goedgekeur moet word of nie.
- (4) Die huisboot ten opsigte waarvan die aansoek gedoen word moet beskikbaar gestel word vir 'n ondersoek deur 'n gemagtigde beampte van die munisipaliteit op 'n datum, plek en tyd deur die beampte aangedui.
- (5) By die verlening van magtiging om 'n huisboot aan te hou of te gebruik op 'n rivier, mag die munisipaliteit sodanige voorwaardes stel as wat dit nodig vind in die belang van veiligheid of om die impak van die huisboot op ander gebruikers van die rivier te beperk.
- (6) Die munisipaliteit het volle diskresie om die aantal huisbote op 'n rivier te beperk.
- (7) Enige magtiging wat deur die munisipaliteit verleen is sal vir 'n tydperk van 12 maande geldig wees en daarna verval dit outomaties, waarna die eienaar van die huisboot weer 'n aansoek moet indien ingevolge hierdie verordening.
- (8) Die eienaar van 'n huisboot wat op 'n rivier gebruik word moet seker maak dat alle persone wat die huisboot gebruik oor die nodige vaardighede beskik om dit te beheer.
- (9) Geen huisboot mag vir langer as 24 uur sonder die skriftelike goedkeuring van die munisipaliteit op enige plek in die rivier voor anker lê nie.
- (10) Elke huisboot moet die nodige veiligheidssertifikaat van die SAMV bekom.

HOOFSTUK 7: BESONDERE BEPALINGS TEN OPSIGTE VAN SEKERE RIVIERE

17. Bestuursplanne vir riviere

- (1) Die munisipaliteit sal bestuursplanne vir die beheer en gebruik van die volgende riviere in sy jurisdiksiegebied daarstel en publiseer—
- Brede Rivier;
 - Goukou Rivier;
 - Gouritz Rivier; and
 - Duiwenhoks Rivier.
- (2) Die bestuursplanne bedoel in subartikel (1) moet vir reëls voorsiening maak, maar is nie tot die volgende beperk nie—
- die gebruik van bote en vaartuie op die riviere en die groottes en getalle wat toegelaat sal word;
 - veiligheid op die riviere;
 - besoedeling van die riviere;
 - die oprigting van strukture en geriewe;
 - die afbakening van gebiede vir gebruik;
 - die reël van openbare geleenthede en regattas; en
 - die beskerming van die vis-, dier en plantlewe.
- (3) Die bestuursplanne bedoel in subartikel (1) moet aan 'n openbare deelnameproses onderwerp word en gemeenskappe en belangegroepes moet betrek word.
- (4) Enige persoon wat versuim om te voldoen aan enige voorskrifte, voorwaardes of reëls wat in 'n bestuursplan bedoel in subartikel (1) vervat is, pleeg 'n misdryf.

HOOFSTUK 8: ALGEMENE BEPALINGS

18. Vrystelling van aanspreeklikheid

- (1) Ongeag die oorsaak daarvan sal die munisipaliteit nie aanspreeklik wees vir enige besering opgedoen deur enige persoon wat 'n rivier of enige ander geriewe gebruik of vir skade aan enige eiendom daarop nie.
- (2) Die munisipaliteit as geheel, individuele raadslede, enige persoon in diens van die munisipaliteit of enige organisasie aan wie die munisipaliteit

enige bevoegdheids gedelegeer het ingevolge artikel 13 van hierdie verordening sal nie, behalwe in die geval van enige opsetlike handeling of verzuim deur die munisipaliteit of sodanige persoon of organisasie, vir enige verlies of skade aanspreeklik wees wat veroorsaak is of spruit uit of in verband met enigiets wat ter goeder trou gedoen in die uitvoering van enige bevoegdheid of verpligting wat in terme van hierdie verordening opgelê is nie.

19. Vrystelling van bepalings

(1) Enige persoon mag by wyse van 'n skriftelike aansoek waarin die redes vir die aansoek ten volle aangedui word, by die munisipaliteit aansoek doen om vrystelling van die bepalings van hierdie verordening.

(2) Die munisipaliteit mag:

(a) 'n vrystelling skriftelik verleen en die voorwaardes, indien enige, en die tydperk waarvoor die vrystelling verleen word, moet daarin uiteengesit word;

(b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer; of

(c) weier om vrystelling te verleen.

(3) 'n Vrystelling is nie van krag voordat die aansoeker skriftelik onderneem het om aan al die voorwaardes wat ingevolge subartikel (2) gestel is na te kom nie, met dien verstande dat indien 'n aktiwiteit onderneem word voordat so 'n onderneming by die munisipaliteit ingedien is, verval die vrystelling.

(4) Indien enige voorwaarde van 'n vrystelling nie nagekom word nie, verval die vrystelling onmiddellik.

20. Appèl

Iemand wie se regte geraak word deur 'n besluit van die munisipaliteit mag ingevolge Artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 200 (Wet 32 van 2000) teen die besluit appèl aanteken by wyse van skriftelike kennisgewing van die appèl en die redes daarvoor aan die Munisipale Bestuurder binne 21 dae van die datum van kennisgewing van die besluit.

21. Strawwe

Iemand wat 'n misdryf ingevolge hierdie verordening begaan het, is by skuldigbevinding aanspreeklik vir 'n boete of, indien die boete nie betaal word nie, gevangenisstraf of sodanige gevangenisstraf sonder die opsie van 'n boete, of sowel die boete as sodanige gevangenisstraf en, in die geval van 'n opeenvolgende of volgehoue misdryf, vir 'n boete vir elke dag waarop sodanige misdryf voortduur, of indien die boete nie betaal word nie, tot bykomende gevangenisstraf.

22. Herroeping van verordeninge

Die bepalings van enige verordening wat voorheen deur die munisipaliteit of by enigeen van die ontbinde munisipaliteite wat nou in die munisipaliteit geïnkorporeer is, afgekondig is, word hiermee herroep insoverre hulle betrekking het op sake waarvoor daar in hierdie verordening voorsiening gemaak word en insoverre dit op die munisipaliteit van toepassing gemaak is deur die magtiging vir die uitvoering van magte en funksies ingevolge Artikel 84(3) van die Wet op Plaaslike Regering: Munisipale Strukture, Wet 117 van 1998.

23. Kort titel en inwerkingtrede

Hierdie verordening word die Verordening insake die Bestuur en Gebruik van Riviere genoem en tree in werking op die datum van die publikasie daarvan in die Provinsiale Koerant.

BYLAE 1

(Artikel 4)

Toerusting vereis	Tipe boot of vaartuig
1. 'n Lewensgordel	Enige boot of vaartuig, uitsluitende 'n kanoe, roei-ski, wielstoomboot of roeiboort.
2. Lewensboei of ander drywende voorwerp	
3. Voldoende roeispane of pale of alternatiewe aandrywingsapparaat om 'n boot of vaartuig te land	Enige boot of vaartuig
4. 'n Pomp of ander skepparaat	Enige boot of vaartuig, tensy die boot of vaartuig ontwerp is om te dryf met die aantal persone aan boord self indien dit vol water is
5. 'n Water-ski truspieël	Kragboot wat gebruik word om 'n waterskiër te trek
6. Fluit of sirene wat gebruik moet word om ongelukke te vermy	Kragboot Huisboot
7. Brandblusser	
8. Vlamvasvanger vir elke vergasser van enige petrolienjin op 'n boot of vaartuig, behalwe 'n buiteboordmasjien	
9. Knaldemper op die uitlaatstelsel	Enige masjiengedrewe boot of vaartuig
10. Ligte wat vir ten minste 200m sigbaar moet wees indien die boot of vaartuig tussen sonsondergang en sonop gebruik word:	Kragbote en seilbote voor anker Kragbote en seilbote terwyl onderweg Vaartuie anders as 'n kragboot
(a) whitle lig sigbaar vanuit alle hoeke	
(b) bakboord en stuurboord ligte sigbaar vir 112.5 grade	
(c) lantern of flitsende lig wat gewys word om botsings te voorkom	
11. Vullishouer	Enige boot of vaartuig, behalwe 'n kanoe, roei-ski of seilplank
12. Anker met ten minste 30 meter ankerlyn	Enige boot of vaartuig, behalwe 'n kanoe, roei-ski, waterponie of seilplank

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