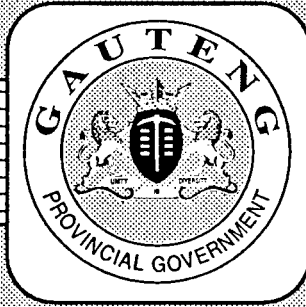


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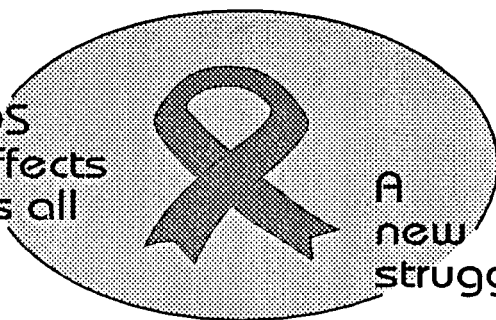
Vol. 10

PRETORIA, 21 MAY
MEI 2004

No. 179

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

PART 1 OF 2



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LOCAL AUTHORITY NOTICES

NOTICE 824 OF 2004

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

CEMETERIES AND CREMATORIA BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Cemeteries and Crematoria By-laws for the City of Johannesburg Metropolitan Municipality as approved by its Council, as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

CEMETERY AND CREMATORIA BY-LAWS

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REPEALED BY-LAWS

CHAPTER 1**INTERPRETATION****DEFINITIONS**

1. (1) In these by-laws, unless the context otherwise indicates:-

"Administrator of cemeteries" means the head of the section or department of the Council which has the responsibility for the administration of the cemeteries of the Council, and any person acting in his or her stead or any person duly authorised by the Council to act on his or her behalf.

"adult" means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40 m in length and 400 mm in width;

"after-hours fee" means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

"anatomy subject" means a body delivered to an authorised school of anatomy in terms of the Anatomy Act, 1959 (Act No. 20 of 1959);

"ashes" means the cremated remains of a body;

"berm" means a concrete base on which a memorial is erected;

"berm section" means a section set aside by the Council in a cemetery, where memorial work is erected on a berm;

"Births and Deaths Registration Act" means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

"body" means any dead human body, including the body of a stillborn child;

"burial order" means an order issued in terms of the Births and Deaths Registration Act;

"burial" means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

"cemetery" means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

"child" means a deceased person who is not an adult;

"columbarium" means the place set aside in the basement of the crematorium or chapel for the placement in a niche of a receptacle containing ashes;

"Commonwealth war grave" means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

"Council" means –

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

"cremation" means the process of disposing of a human body by fire;

"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which the ceremony is conducted and the cremation carried out;

"crematorium section" means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

"cremated remains" means all recoverable ashes after the cremation process;

"exhumation" means the removal of a body from its grave;

"garden of remembrance" means a section of a cemetery or crematorium set aside for the erection of memorial work, placing or scattering of ashes, but does not include a columbarium;

"grave" means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

"grave of conflict" means the grave of a person who died while defending the country;

"hero" means a person who performed a heroic act for the country and is given the status of a hero by the Council;

"heroes acre" means an area of land set aside for the burial of a hero;

"indigent person" means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

"indigent relief" means assistance received for the burial or cremation of an indigent person;

"landscape section" means a section in a cemetery set aside by the Council where memorial work is restricted to a plaque or memorial slab;

"lawn section" means a section in a cemetery set aside by the Council where memorial work is restricted to a headstone only;

"medical officer of health" means the officer appointed by Council or any other person acting in the capacity of the medical officer of health;

"memorial section" means a section of a cemetery set aside for the erection of memorials;

"memorial wall" means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

"memorial work" means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

"municipal area" means the area under the control and jurisdiction of the Council;

"niche" means a compartment in a columbarium or garden of remembrance for the placing of ashes;

"normal operational hours" means Monday to Friday 08:00 to 15:00 excluding Saturdays, Sundays and Public holidays;

"office hours" means Monday to Friday 07:00 to 16:00 excluding Saturdays, Sundays and Public holidays;

"officer-in-charge" means the registrar of a crematorium appointed in terms of Regulation 21 of the Regulations Relating to Crematoria and Cremations, made in terms of Ordinance No. 18 of 1965, and includes a person authorized by the Council to be in control of any cemetery;

"ordinance" means the Crematorium Ordinance, 1965 (Ordinance No. 18 Of 1965);

"prescribed" means prescribed by the Council;

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

"regulation" means a regulation published in terms of the Ordinance;

"South African Heritage Resources Agency" means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

"stone mason" means a person carrying on business as a stone mason;

"tomb" means an above ground burial vault;

"victim of conflict" means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2

DISPOSAL OF A BODY

Requirements for disposal of a body

2. (1) No person shall save with the prior written consent of the Council, dispose of or attempt to dispose of a body, other than by burial in a cemetery or by cremation in a crematorium.
- (2) A person may not bury or cremate a body in a cemetery without -
- (a) the permission of the officer-in-charge; and
 - (b) arranging a date and time of such burial with such officer-in-charge.

Application for burial

3. (1) (a) A person intending to bury a body must complete and submit the prescribed application form to the officer-in-charge for approval.
- (b) The next of kin of the deceased, or such other person who is authorized by the next of kin of the deceased, must sign such application.
- (c) Despite the provisions of paragraph (b) the officer-in-charge may, if he or she is satisfied that the signature of the next of kin cannot be obtained timeously, approve an application by an interested party.
- (d) The applicant must -
- (i) submit the application at least three working days before the burial;
 - (ii) indicate whether the application is in respect of a first, second or third burial, in respect of a particular grave; and
 - (iii) indicate the date and time for such burial.
- (2) The officer-in-charge must approve an application if -
- (a) it is accompanied by an original burial order in terms of the Births and Deaths Registration Act;
 - (b) the prescribed fee has been paid; and
 - (c) an application in terms of subsection (1) has been submitted.
- (3) The officer-in-charge must, where necessary, take into account the customs of the deceased, and the people responsible for the burial.

Reservation of a grave

4. (1) An application to reserve a grave must be made to the officer-in-charge.
- (2) A surviving spouse of the deceased may apply for an adjoining grave to be reserved.
- (3) The officer-in-charge must allocate another grave within the cemetery to the applicant, where persons other than the applicant mistakenly utilized a reserved grave.
- (4) A grave will be reserved only upon payment of the prescribed fee.

Postponement or cancellation of a burial

5. (1) An applicant must give notice of the postponement or cancellation of a burial, by completing the prescribed application form, to the officer-in-charge, who must approve the application at least one working day before the burial.

- (2) In a case of a cancellation of a burial-
- (a) a refund will not be made to the applicant for costs incurred for opening an existing grave;
 - (b) the Council will only refund the applicant for costs incurred for opening a new grave.

Number of bodies in a coffin

6. (1) Only one body in a coffin is allowed for burial or cremation.
- (2) Burial of more than one body in a coffin may be allowed if application is made to and approved by the officer-in-charge and the prescribed fee has been paid;
- (3) Such application may be made in respect of -
- (a) family members who either died together or a short while after each other, and the burial of the first dying member has not yet taken place;
 - (b) a mother and child who died during childbirth;
 - (c) (i) two people who have lived together as partners; or
(ii) unrelated deceased persons, whose families have no objection; or
 - (d) remains of an anatomy subject.

Burial and subsequent burials

7. (1) Burial may take place only in a grave allocated by the officer-in-charge.
- (2) (a) Subject to paragraph (b), not more than two burials may be permitted in a grave;
- (b) A third burial may be allowed only if-
- (i) an application has been made to the officer-in-charge and written permission has been granted;
 - (ii) the grave has been deepened; and
 - (iii) a prescribed fee has been paid;
- (c) A person who has been given permission for either a second or third burial must -
- (i) give at least two days notice; and
 - (ii) at his or her own cost remove, and, subsequent to the burial, replace all memorial work on such a grave.

Private rights

8. (1) The holder of private rights includes –
- (a) a person who purchased a grave or who received a grave as a gift from the purchaser and whose name appears in the register of the Council;
 - (b) a person who paid the prescribed burial fees in respect of the first burial in the grave;
 - (c) a person to whom private rights to a grave have been transferred;
 - (d) a person who inherited the private rights .
- (2) The private rights in a grave are transferable, but such transfer only becomes effective on registration by the Council.
- (3) If there is a dispute about the holder of private rights, the dispute must be referred to the officer-in-charge for determination.

Sizes of graves

9. Subject to the provisions of section 7 and 10 the standard size of a grave is as follows -
- (a) an adult's grave must measure 2 300 mm in length and 900 mm in width and 2000 mm in depth.
 - (b) a child's grave must measure 1 500 mm in length and 700 mm in width and 1 500 mm in depth.

Enlarging and deepening a grave

10. (1) An applicant for a burial may, by giving at least 24 hours notice before the burial, request that a grave be enlarged or deepened.
- (2) If a coffin is too large for the size of an adult grave, such grave must be enlarged to accommodate such coffin.
- (3) If a child's coffin is too large for a child's grave it must be buried in an adult's grave, on payment of the prescribed fee.
- (4) A grave may, on application and on payment of the prescribed fee, be deepened for burial of a third coffin.

Coffins

11. (1) Coffins to be placed in a grave must be made of natural wood or other perishable material.
- (2) Coffins intended for cremation must be constructed mainly of timber or wood derivatives.

Covering of coffins

12. (1) Every coffin must be covered with at least 300 mm of soil immediately after burial;
- (2) There must be at least -
- (a) 1 200 mm of soil between a coffin of a buried adult and the surface of the ground; or
- (b) 900 mm of soil in the case of a coffin of a child.
- (3) The provisions of subsection (2) do not apply to a burial in a tomb.

Body bags

13. (1) If there is more than one body in a coffin each body must be contained in a separate body bag.
- (2) A body intended for burial at a cemetery or cremation in a crematorium must be sealed in a body bag inside a coffin, unless this is contrary to the tradition, customs or religious beliefs of the deceased person or the applicant.

CHAPTER 3**FUNERALS****Religious or memorial services**

14. A person who desires to have a religious or memorial service at a cemetery or crematorium must apply to the officer-in-charge and pay the prescribed fee.

Control of hearses at the cemetery

15. No person in a cemetery may -
- (a) drive a hearse or cause a hearse to be driven except on a designated roadway;
- (b) park a hearse or detain a hearse on a roadway after the coffin has been removed from the hearse; or
- (c) park a hearse in such a manner that it interferes with other burials in progress.

Conveyance of coffins and bodies

16. (1) An applicant in terms of section 3 is responsible at his or her own cost for ensuring that a coffin is conveyed to the cemetery for burial or to the crematorium for cremation.
- (2) No person may in any street, cemetery, crematorium or other public place convey a body in a disrespectful manner.

Instructions at cemeteries

17. (1) The officer-in-charge at the cemetery may issue instructions relating to -
- (a) the parking of vehicles;
 - (b) a funeral procession;
 - (c) the duration of a service.
- (2) Every person taking part in a funeral procession at the cemetery, or attending a cremation service, must comply with all reasonable instructions of the officer-in-charge.

Duration of service

18. No person may occupy a chapel at a cemetery for the purpose of a funeral service or cremation, for more than 30 minutes, without the permission of the officer-in-charge and payment of the prescribed fee.

Hours for burial

19. (a) Subject to paragraph (b) burial may take place only between 08h00 and 15h00.
(b) The Officer-in-charge may, on such conditions as he or she may determine, and on payment of the prescribed fee, give permission to bury outside the stipulated hours.
(c) If the burial takes place outside the stipulated hours, the applicant will provide tools and assume the responsibility of closing the grave.
(d) If the applicant requires the Council to provide the service outside the stipulated hours, the Council may provide such service on payment of the prescribed after hours fee, subject to such conditions as the officer-in-charge may determine.

CHAPTER 4**RE - OPENING OF GRAVES AND EXHUMATIONS****Conditions of exhumations**

20. (1) No person may exhume or cause to be exhumed a body without the written consent of the -
- (a) Premier of the Gauteng Provincial Government;
 - (b) the Council;
 - (c) the provincial Department of Health;
 - (d) the Administrator of cemeteries; and
 - (e) the Council's Medical Officer of Health.
- (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

- (3) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;
- (6)
 - (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and
 - (b) The authority referred to in paragraph (1)(d) and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police Services must -
 - (a) if there is proof of illegal burial immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

Exhumation and reburial

21. (1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.
- (2) The relatives of the deceased must be -
 - (a) notified of the intended exhumation and re-burial; and
 - (b) allowed to attend.

Screening of exhumation

22. (1) A grave from which A body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5**CARE OF GRAVES****Gardening of graves and other objects on grave**

23. (1) The Council is responsible for keeping cemeteries clean unless these by-laws provide otherwise.
- (2) No person may –
- (a) plant, cut or remove plants, shrubs or flowers on a grave without the permission of the officer-in-charge;
 - (b) plant, cut or remove plants, shrubs or flowers on the berm section; or
 - (c) place a metal cot on any grave.
- (3) A person may only erect, place or leave, an object or decoration on a grave during the first 30 days following the burial.
- (4) Natural or artificial flowers contained in receptacles may be placed on a grave at any time, but in a grave within a berm section or with a headstone, such flowers may only be placed in the socket provided.
- (5) The officer-in-Charge may –
- (a) remove all withered natural flowers, faded or damaged artificial flowers and any receptacle placed on a grave; or
 - (b) 30 days after publishing a general notice remove all objects of decoration, for the purpose of beautification of the area.
- (6) The Council is not liable for any loss or damage to any object on a grave unless such loss or damage is a result of the negligence of any employee of the Council.

CHAPTER 6**MEMORIAL SECTION****Erection of memorial work**

24. (1) A person intending to erect a memorial work must make and complete an application on the prescribed application form to the officer-in-charge.
- (2) Such application must be made not less than five working days before the date of erection.
- (3) Memorial work may only be erected during working hours, but may, with the approval of the officer-in-charge, be erected outside working hours.
- (4) No person may—
- (a) erect memorial work, or bring material into a cemetery for the purpose of erecting memorial work, without the written consent of the officer-in-charge;
 - (b) remove memorial work for additional inscriptions or other alterations without the consent of the officer-in-charge; or
 - (c) erect a memorial work on a Saturday, Sunday or a public holiday, without the written consent of the officer-in-charge.
- (5) The Council is not liable for damage to memorial work resulting from any subsiding soil.
- (6) A person erecting memorial work must at the request of the officer-in-charge produce the written consent.
- (7) Memorial work or material to be used in the erection of such work, may not be conveyed in a cemetery or crematorium in a manner that may damage the roadways, pathways, lawns, grounds or other memorials.
- (8) Any surplus material or rubble, resulting from the erection of any memorial work, must be removed by the person responsible for such erection, immediately after its completion.

Inferior memorial work

25. The Council may prohibit the erection of a memorial work or may remove erected memorial work which is –
- (a) of inferior workmanship or quality;
 - (b) is indecent, offensive or objectionable; or
 - (c) in contravention of these by-laws, without compensating the owner.

Inscription on memorial work

26. (1) Any memorial work must display the number assigned to the grave by the officer-in-charge, in permanent and visible markings -
- (a) on the side of the base of the memorial work; and
 - (b) on the upper surface, in the lower left hand corner, of a tablet erected on a grave in a landscape section.
- (2) The name of the maker, designer or erector of the memorial work may appear on the work and must be placed at the base of the memorial work.

Dismantling of memorial work

27. (1) Only a holder of private rights, or a person authorised in writing by the holder of such rights, may, with the written permission of the officer-in-charge, dismantle, alter, or disturb, any memorial work on a grave.
- (2) Dismantled memorial work must either be removed from a cemetery or be left on the grave on which such memorial work had been erected.
- (3) The officer-in-charge may in the case of a second or subsequent burial in such grave, permit memorial work to be left elsewhere in the cemetery, for a period not exceeding 30 days after such burial.
- (4) The person dismantling the work must immediately after the work is completed, remove any surplus material, or rubble, resulting from the dismantling of any memorial work.
- (5) If a holder of rights or person referred to in subsection (1) -
- (a) fails to re-erect dismantled memorial work within 30 days after it was dismantled; or
 - (b) leaves such memorial work within the cemetery in contravention of subsection (2),

the Council may give 30 days written notice to such holder of rights or person, instructing him or her to remove such memorial work from the cemetery with any rubble resulting therefrom, at his or her own expense or to re-erect such memorial work.

- (6) If any memorial work has -
- (a) been damaged;
 - (b) become a danger to the public; or
 - (c) been erected in contravention of these by-laws,

the Council may give written notice to the holder of rights or person referred to in subsection (1), instructing him or her, at his or her own expense, within a period specified in the notice, to –

- (i) alter or make such memorial work safe so that it complies with the provisions of these By-laws ;
 - (ii) dismantle and remove such memorial work from the cemetery together with all rubble resulting therefrom.
- (7) If such holder of rights or person referred to in subsection (1) fails to comply with a notice in terms of subsection (5) or (6), the Council may –
- (a) re-erect the memorial work;
 - (b) dismantle and dispose of the memorial work and remove any rubble resulting therefrom; or
 - (c) make the memorial work safe, and such holder or person will be liable for any costs incurred by the Council.
- (8) The Council may without giving any notice, or incurring any liability to the holder of rights or person referred to in subsection (1) –
- (a) dismantle the memorial work and remove it and any rubble resulting therefrom, except memorial work that is protected by the provisions of the National Heritage Resources Act, 1999; or
 - (b) make the memorial work safe,
- if such memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential.
- (9) After the Council has acted in terms of subsection (8), it must immediately, in writing, notify the holder of rights or person that, unless he or she reclaims the memorial work from the cemetery within a specified period, the Council will dispose of the memorial work.
- (10) Such holder of rights or person referred to in subsection (1) is liable for costs incurred by the Council, when the Council has acted in the manner contemplated in subsection (8).
- (11) If the holder of rights or person referred to in subsection (1) fails to pay the costs referred to in subsection (10), or to reclaim the memorial work dismantled by the Council, the Council may dispose of such memorial work in any manner it deems fit.
- (12) If any proceeds are derived from the disposal, such proceeds will be offset against the cost of the dismantling, removal, storing, and disposing, of memorial work and rubble resulting therefrom.

General requirements for memorial work

28. (1) Memorial work must be constructed or made of durable material, approved by the South African Bureau of Standards with a life expectancy of at least 25 years.
- (2) Any person erecting memorial work in a cemetery or crematorium must do so with the approval of the officer-in-charge.
- (3) A person erecting memorial work must comply with the following requirements-
- (a) when joining any part of the memorial work to any other part of the memorial work the person must use copper or galvanized iron pins as follows-
 - (i) for memorial work up to a height of 500 mm, two or more pins of at least 5mm thick and 100 mm long;
 - (ii) for memorial work 501 mm up to a height of 1 000 mm, two or more pins at least 10 mm thick and 200 mm long; or
 - (iii) for memorial work 1 001 mm and higher at least two or more pins 20 mm thick and 300 mm long;
 - (b) any part of memorial work which rests on the ground, stone or foundation must be properly secured and bedded;
 - (c) a material of uneven thickness must not be used;
 - (d) the undersides of every flat memorial work and the base of every memorial work must be sunk at least 50 mm below the natural level of the ground;
 - (e) a border which is more than 225 mm above the surface of the ground or more than 200 mm deep must not be used without the consent of the Council;
 - (f) all memorial work and border stones must be securely clamped with round copper or galvanized iron clamps;
 - (g) all memorial work up to 150 mm in thickness must be securely attached to the base;
 - (h) all the components of memorial work must be completed before being brought into a cemetery;
 - (i) footstones must consist of one solid piece;
 - (j) in all cases where memorial work rests on a base -
 - (i) such memorial work must have a foundation;
 - (ii) such memorial work must be set with cement mortar;
 - (iii) the bottom base of a single memorial work must not be less than 900mm long 220 mm wide x 250 mm thick and that of a double memorial work not less than 2 286 mm long x 200 mm wide x 250 mm thick; and
 - (iv) if loose stone chips are placed on a grave, the level of such stone chips must not be higher than 10 mm below the level of the surrounding curbstones.

Requirements for memorial work in lawn section

29. The following provisions apply to memorial work and graves in a lawn Section –
- (a) the dimensions of the base of any headstones on an adult's grave must not exceed 900 mm in length and 260 mm in width, but if the base of the headstone is erected over two adjoining graves, such base must not exceed 2 200 mm in length and 260 mm in width;
 - (b) the dimensions of the base of any headstone of a child's grave must not exceed 610 mm in length and 260 mm in width, but if the base of the headstone is erected over two adjoining graves such base must not exceed 1 200 mm in length and 260 mm in width;
 - (c) no portion of any headstone may extend beyond the horizontal dimensions of its base;
 - (d) headstones must be erected on the concrete berms supplied by the Council, except in the case of a temporary erection where the applicant must provide a foundation suitable to support the headstone, until the Council has installed the berm;
 - (e) no part of any memorial work may exceed 1 500 mm in height above the berm;
 - (f) any headstone must be so positioned that the front edge of the headstone is at least 130 mm from the edge of the berm;
 - (g)
 - (i) no object other than a headstone which may incorporate more than two sockets for receptacles for flowers may be placed on any grave; and
 - (ii) a vase containing natural flowers, or artificial flowers and foliage, may be placed in a socket built in the headstone and such vase must not exceed 300 mm in height; and
 - (h) a kerb demarcating any grave and a slab covering are not permitted.

Requirements for memorial work in memorial section

30. The maximum horizontal measurements of any memorial work erected on a grave in a memorial section must –
- (a) in the case of an adult's grave, be 2 500 mm in length and 1 050 mm in width; or
 - (b) in the case of a child's grave, be 1 500 mm in length and 900 mm in width.

Requirements for memorial work in landscape section

31. (1) The Council may set aside a section in a cemetery as a landscape section;
- (2) Memorial work erected on a grave in a landscape section must –
- (a) not exceed 500 mm in length, 500 mm in width and a minimum of 30 mm thick;
 - (b) not be made of ferrous material.

- (3) The memorial work must be embedded horizontally on the ground level on a suitable foundation.
- (4) Where memorial work is restricted to a plaque or memorial slab, 500 mm by 500 mm, such plaque or memorial slab must be placed horizontal at 30 mm below grass level.

CHAPTER 7

CREMATIONS

Application for cremation

32. (1) A person intending to cremate must submit the prescribed and duly completed application form supplied by the officer-in-charge for approval not later than 15:00, a day before the intended date of cremation, and such application must be accompanied by –
 - (a) a prescribed fee;
 - (b) a burial or removal order issued in terms of the Births and Deaths Registration Act, 1992;
 - (c) a death certificate; and
 - (d) cremation forms A, B, C, D, and E.
- (2) If all the above requirements are met, the officer-in-charge must approve such application.
- (3) The cremation may only take place in a crematorium.
- (4) If the application is made in terms of subsection (1) in respect of a body of a person-
 - (a) who at the time of death was suffering from a communicable disease as defined in section 1 of the Health Act; or
 - (b) in whom at any time a pacemaker or radioactive material was inserted,

the applicant must clearly indicate this fact and in the case of a body referred to in paragraph (b), whether such pacemaker or radioactive material was removed from the deceased.

Cremation times

33. (1) Cremation may take place from Monday to Friday between 09:00 and 14:00.
- (2) No cremation may take place on Saturdays, Sundays, and public holidays.

- (3) Despite the provisions of subsection (1), the officer-in-charge to whom an application is made, may if he or she is satisfied that the case is one of emergency, permit cremation outside cremation time on payment of the prescribed fee.

Provision of receptacles

34. (1) The applicant must provide a receptacle for receiving ashes with the full names of the deceased, unless such ashes are to be buried by the Council.
- (2) (a) A receptacle which is intended to be placed in a niche in the columbarium must be made of wood, stone, or other suitable material, and must be of such a size and design as to fit readily into such niche.
- (b) An inscription plate may be affixed to such a receptacle, or the niche may be closed with a suitable marble or other plaque.

Ash collection and disposal

35. (1) After cremation the ashes must be entrusted to the care of the person who applied for the cremation, should he or she so desire, if not, be kept by the owner of the crematorium.
- (2) The person collecting the ash must indicate in the prescribed application forms the quantity of ash to be retained for collection.
- (3) If there are no express arrangements for burial or safekeeping, the owner of a crematorium may bury or scatter the ashes in a garden of remembrance.

Burial and exhumation of ashes

36. (1) A person who wants to bury ashes in a grave, exhume ashes from a grave or scatter ashes must make an application to the officer-in-charge.
- (2) The officer-in-charge must, on payment of a prescribed fee, give written permission to the applicant for burial, or exhumation, or scattering of ashes, and prepare such grave for burial or exhumation of ashes.
- (3) An ash grave in a crematorium section or wall of remembrance must measure 610 mm in length and 610 mm in width.

Use of niches and spaces, affixing of memorial

37. (1) Ashes may be deposited in a columbarium or garden of remembrance if an application accompanied by the prescribed fee is made to the officer-in-charge, and if the officer-in-charge gives written permission.

- (2) A niche or a space abutting on a path in a garden of remembrance or a niche or a space in a memorial wall, must not be used for storing ashes or for affixing memorial work, without the consent of the officer-in-charge and payment of the prescribed fee.
- (3) Identity plaques must be made of material approved by the officer-in-charge and affixed simultaneously with the placing of the ashes.
- (4) Ashes and plaques may be removed with the consent of the officer-in-charge.
- (5) Flower holders may be affixed to the plaque only with the consent of the officer-in-charge.

Memorial work in crematorium

38. (1) A person may erect a memorial work in a crematorium in remembrance of the deceased if he or she—
- (a) was cremated at that crematorium in terms of section 32; or
 - (b) presents a cremation certificate from another crematorium
- (2) Memorial work erected in a garden of remembrance must be made of marble, granite, or other suitable material, and measure either 230 mm by 150 mm by 25 mm thick, or 250 mm by 305 mm by 25 mm thick, as arranged with the Officer-in-charge, if it is intended -
- (a) to be placed on a space on a memorial wall or on a space abutting on a path in a garden of remembrance;
 - (b) to seal a niche, must be of the same material and size as to conform with the memorial work next to it and have no items affixed to it except the lettering or photo of the deceased; or
 - (c) for erection on a grave, not exceed 610 mm in length, 610 mm in width and 1,2 m in height.
- (3) Memorial work must only be removed from or affixed to a memorial wall or to a space abutting on a path in the garden of remembrance with the written consent of the Officer-in-charge.

Book of remembrance, memorial cards and miniature books

39. (1) If the Council provides a book of remembrance in a cemetery or crematorium, a memorial inscription may be entered in such book on application to the officer-in-charge and on payment of the prescribed fee.
- (2) If an inscription is entered in the book of remembrance, an inscription memorial card or an inscribed miniature may be purchased, if it is available, on payment of the prescribed fee.

Duplicate cremation certificates

40. A person may obtain a duplicate cremation certificate on application and on payment of the prescribed fee to the officer-in-charge.

CHAPTER 8**INDIGENT PERSONS****Burial of indigent persons**

41. (1) A person making an application for an indigent person's burial must make a declaration to that effect.
- (2) An indigent person may be buried or cremated according to conditions determined by the Council.
- (3) If an indigent person is cremated the ashes must be retained by the Council for a period of not less than 12 months.
- (4) If ashes are not claimed within the period of 12 months be buried in an ash grave.

CHAPTER 9**GENERAL****Prohibited acts**

42. (1) No person -
- (a) under the age of 16 years may enter any cemetery or crematorium unless when accompanied by an adult, or with the consent of the officer-in-charge;
 - (b) may enter or leave any cemetery or crematorium, except by the gateway provided;
 - (c) may enter any office or enclosed place in a cemetery or crematorium, where entry is prohibited, without the consent of the officer-in-charge, which may be given only when such person is attending business connected with such cemetery or crematorium.
- (2) No person may, within any cemetery or crematorium -
- (a) interfere with any fountain, statue, monument, equipment, fence, grave or Council property;
 - (b) pick, damage, deface or destroy any flower, plant or seed;

- (c) damage, deface or remove any memorial work, grave, building, fence or fixtures;
 - (d) throw litter outside containers provided by the Council for that purpose;
 - (e) sit, stand, walk, climb, draw, or write on any grave or memorial work;
 - (f) swim, bath or wash himself him or herself or any animal in a pond, fountain, artificial watercourse, dam or stream;
 - (g) reside in a cemetery, or, without the written consent of the officer-in-charge, build any structure or encroach on any land;
 - (h) capture, chase, shoot at, or interfere with any fish, bird, or animal, except where licensed to do so, or take, touch or damage birds' eggs or nests;
 - (i) light any fire or burn any object unless there is special provision therefore made by the Council;
 - (j) drive, ride or park any vehicle, bicycle, tricycle or push-cart, wear roller blades or draw or propel any vehicle, except in the places and at the times referred to in these By-laws;
 - (k) drive or ride any vehicle, except in the places referred to in paragraph (j) at a speed exceeding 15 km per hour;
 - (l) carry on or solicit business, hold any demonstration, or perform an activity which is not normally associated with a cemetery or crematorium;
 - (m) cause a nuisance or commit any offensive or indecent act;
 - (n) play any game except in a designated area;
 - (o) use a facility provided for the opposite sex;
 - (p) brew, sell or drink alcohol or abuse drugs;
 - (q) play any musical instrument without the written consent of the officer-in-charge;
 - (r) deliver a public speech except for a funeral service or cremation, without the written consent of the officer-in-charge,
 - (s) do anything which may endanger or cause disturbance to any person ;
 - (t) hold organized functions, advertise, dig any hole, trench or place any tent, caravan, booth screen, stand, or any construction or obstruction, without the written consent of the officer-in-charge;
 - (u) undertake any community or voluntary work, without the written consent of the officer-in-charge;
 - (v) make any film, without the written consent of the officer-in-charge, and payment of the prescribed fee;
 - (w) remain between sunset and sunrise without the written consent of the officer-in-charge;
 - (x) bring or allow an animal, except a guide dog, without the consent of the officer-in-charge; and
 - (y) hinder, obstruct or resist the officer-in-charge or any official of the Council in the performance of his or her duties or in the exercise of any authority assigned to him or her by or in terms of these By-laws.
- (3) Any animal found in a cemetery may be impounded and must be released on payment of a fee.

Penalty clause

43. Any person who-

- (a) Contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws;
- (c) fails or fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders an authorized official or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment of such a fine to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of by-laws

44. The By-laws listed in Schedule 1 hereto are hereby repealed.

Short title

45. These By-laws are called the Cemeteries and Crematoria By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

Number and Year	Name of By-laws	Extent of Repeal
Administrator's Notice 638 dated 19 August 1953	Transvaal Board for the Development of Peri-Urban Areas: Cemetery By-laws as applied by Midrand and Sandton Municipalities and as applied in area for which Management Committee of Ennerdale was established	Whole
Administrator's Notice 391 dated 8 April 1981	Johannesburg Municipality: Cemetery and Crematorium By-laws	Whole
Administrator's Notice 289 dated 10 March 1982	Randburg Municipality: Cemetery By-laws	Whole
Government Notice R.2611 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982)	By-laws relating to the Control over Cemeteries as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice dated 5 August 1987	Roodepoort Municipality: Cemetery By-laws	Whole

NOTICE 825 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****CULTURE AND RECREATION BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Culture and Recreation By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

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SCHEDULE 1

BY-LAWS REPEALED

CHAPTER 1

LIBRARY AND INFORMATION SERVICES

Definitions and interpretation

1. (1) In this Chapter, unless the context otherwise indicates-

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

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

"Council" means -

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or

- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be."

"Director" means the Director: Library and information services and his or her assistant or delegate;

"indigent person" means any person in circumstances of poverty whose total household income does not exceed R800-00 per month or, in the case of a pensioner or person dependent on grants, where the household income does not exceed R1080-00 per month;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in any such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Admission to library buildings

2. (1) Subject to the provisions of subsection (2), and of section 19, any person admitted to a library may use the facilities of that library during official library hours: Provided that if a person wishes to borrow library material, that person must first become a member of the library and pay the prescribed fee for membership.
- (2) A librarian may-
- (a) in his or her discretion determine the maximum number of persons that may be allowed in any part of the library at any given time and may exercise the necessary access control for that purpose;
 - (b) for any reasonable cause, instruct a member or other person to leave the library.

Membership

3. (1) Application for membership or visitor's rights must be made on a form prescribed by the Council.
- (2) The Council may –
- (a) grant membership of the library to any resident, or any resident as a representative of any organisation or similar body, duly authorised by that organisation or body, and every such resident must –
 - (i) pay the prescribed fee for membership; and
 - (ii) undertake to abide by the policies adopted by the Council from time to time for the conduct of the business of the library;
 - (b) subject to such conditions as it may determine from time to time, grant membership of the library to a child if his or her parent or guardian consents thereto in writing and undertakes to ensure the observance by the child of the provisions of these By-laws;
 - (c) grant membership of the library to a person who is not a resident on conditions determined by the Council from time to time;
 - (d) admit a person residing, working or studying in the area of jurisdiction of the Council for a period of not more than three months, as a visitor if –
 - (i) the particulars determined by the Council or the Director are submitted by such person;
 - (ii) such person pays the prescribed fee; and
 - (iii) a librarian approves the application,and upon such admission, the visitor has all the rights and privileges, and is subject to the same obligations and duties, as a member;
 - (e) exempt any applicant for membership who is an indigent person wholly or partially from the payment of the prescribed fee for membership.
- (3) (a) A library membership card must be issued to each member authorising that member to borrow from the library such quantity of library materials as may be determined by the Council from time to time.
- (b) Additional membership cards, entitling a member to borrow further quantities of library material may be issued to a member in the discretion of a librarian.

- (4) A membership card is valid from its date of issue to the date of expiry stated thereon and the membership of a person to whom such a card has been issued lapses after the expiry of that period, unless it is renewed prior to the expiry date.
- (5) A member who wishes to cancel his or her membership of the library must –
 - (a) notify a librarian in writing;
 - (b) return the membership card or cards concerned; and
 - (c) simultaneously return all borrowed library material in his or her possession to a librarian.
- (6) If library material is not returned in terms of subsection (5)(c), the person concerned is liable in terms of section 8(2), read with the necessary changes.
- (7) If a member changes his or her address, the member must notify the Director thereof in writing within thirty days after the change has taken place.
- (8) If a membership card is lost, the member must forthwith notify a librarian in writing, and –
 - (a) the librarian must, on payment of the prescribed fee, issue a duplicate card;
 - (b) should a lost membership card subsequently be found by the member, any duplicate card must be returned to the librarian immediately; and
 - (c) notwithstanding the provisions of section 8(a) a member is not liable in terms of that section for any library material borrowed against a lost membership card after the date of such notice.

Loan of library material

4. (1) Library material which is not available for removal from a library on loan in any reference or special library must be determined by the Director and a notice specifying such material must be displayed at the inquiry desk of each library.
- (2)
 - (a) Library material borrowed from a library is the responsibility of the member against whose membership card it was borrowed.
 - (b) If a member borrows material from a library, that member must ascertain whether or not the material is visibly damaged, and if so, must draw a librarian's attention to the damage and the librarian must record particulars of the damage on the date sheet and sign it.
 - (c) If a member returns damaged library material, he or she is responsible for making good the damage, or paying the prescribed fee in respect of damaged library material, unless the damage was recorded in terms of paragraph (b).

- (d) No person may be in possession of library material outside a library unless it has been lent to him or her in terms of a membership card.
- (3) A librarian may refuse to make damaged library material available for borrowing, but if such material is made available for borrowing, the particulars of the damage must first be recorded in terms of section 4(2)(b).
- (4) A member may, upon payment of the prescribed fee, request that any library material which may be lent out not available at a library, but which is available at another library or a library not operated by the Council, be obtained from that source and made available or loaned to that member.
- (5) The loan of audiovisual-material or items from student service, is subject to the payment of the prescribed fee.
- (6) Library material bearing the distinguishing insignia of the Council or any of its predecessors or the insignia of the Gauteng Provincial Government, with no indication on it that it has been officially discarded or sold, remains the property of the Council or of the Gauteng Provincial Government, as the case may be.

Return of library material

5. (1) A member must return borrowed library material not later than the last day of the lending period .
- (2) If the library material concerned is not required by any other member, the librarian may extend the lending period of that material for a further lending period.
- (3) A member who fails to return library material by the end of the lending period or an extension thereof allowed by a librarian, may not keep it for more than seven days after receipt of a written notice from a librarian that the library material is to be returned to that library.

Overdue library material

6. (1) If a member fails return library material borrowed against a membership card within the lending or extended lending period contemplated in section 5, he or she is liable for payment to the Council of the prescribed fees for every period of seven days or portion thereof during which the member fails to return the library material, unless -
- (a) good cause is shown to the satisfaction of a librarian;
- (b) the return date falls within a library week or other period when the library concerned is closed to the public for any reason; or
- (c) any other period of grace is given by the Director;

- (2) Every librarian must ensure that the rules and prescribed fees for overdue and lost library material are displayed at a prominent place in the library.

Reservation of library material

7. (1) A member may reserve library material available for borrowing, which will then be held available for the member, provided payment of the prescribed fee therefor is made in advance.
- (2) No library material will be held available for a period longer than the period specified by the Director.

Lost and damaged library material

8. (1) It must be stated on every membership card that if a member damages or loses library material, the member will be liable in terms of subsection (2) for payment to the Council of the prescribed fee therefor.
- (2) Library material not returned within one hundred days from the date of borrowing must be regarded as lost, and the member who borrowed it last is liable for the replacement cost thereof or the prescribed fee, at the discretion of the Director.
- (3) The particulars of a member who has failed to return library material outstanding for a period longer than that stated in subsection (2) must, if the Council is unable to retrieve that library material from the member, despite reasonable efforts to do so, be entered on a central register of unreturned library material, together with the details of the material concerned, any unpaid prescribed fee due by the member, and such particulars must be circulated to every library, and the member's privilege of borrowing material from the library is suspended until that library material is returned to a library or payment is made as contemplated in subsection (2).
- (4) Any lost or damaged library material remains the property of the Council or the Gauteng Provincial Government, as the case may be, even if replacement cost or the prescribed fee in respect thereof has been paid to the Council.
- (5) If damaged library material returned by a member is found to be repairable, the member must pay the costs of repair incurred by the Council, before being permitted to borrow any further library material.

Handling of library material

9. A member who has borrowed library material or is using library material in the library must –
 - (a) keep the library material in a clean condition;
 - (b) prevent the library material from being damaged in any way;

- (c) ensure that the library material is not mutilated, defaced, marked or creased;
- (d) ensure that no part of that library material, or any protective coverings or identification thereof as the property of the Council or the Gauteng Provincial Government, is removed; and
- (e) ensure that the library material is not lent to any other person.

Exposure of library material to notifiable and infectious diseases

10. (1) No person suffering from a notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977 (Act No. 63 of 1977), may borrow or handle library material, and no member may allow any other person suffering from such medical condition to handle or come in contact with library material lent to that member, if such handling or contact would expose others to the danger of infection or any form of health hazard.
- (2) The provisions of subsection (1) also apply to any person supervising or in charge of a child known by such person to be suffering from a medical condition, contemplated in that subsection.
- (3) A notice with examples of notifiable medical conditions must be displayed at a prominent place in a library.
- (4) Any person in possession of library material which to that person's knowledge has been exposed to a notifiable medical condition, must immediately advise a librarian that the library material has been so exposed.

Library material for special and reference purposes

11. (1) Specialised library material may be used only in areas of a library specifically demarcated for that purpose, and no such material may be removed from that part of a library without the permission of a librarian.
- (2) No person in possession of library material drawn from the reference section of a library may keep it for longer than ten minutes after a librarian has requested its surrender.

Reproduction of library material and objects and use of facsimile facilities

12. (1) Any person may use the facsimile and photocopier facilities of a library subject to –
- (a) payment of the prescribed fee; and

- (b) the furnishing by him or her of a declaration in writing, if requested by a librarian, that the purpose for which the facsimile or photographic reproduction is required, falls within the exceptions to the protection of literary, dramatic, musical and artistic works specified in the Copyright Act, 1978, (Act No. 98 of 1978).
- (2) A librarian must display the relevant sections of the legislation referred to in subsection (1) (b), in a prominent place in the library.
- (3) The permission of a librarian must be obtained before any library material or object in the library is reproduced by means of a photograph, motion picture, transparency or any other means.
- (4) In granting or refusing permission in terms of subsection (2), a librarian may take cognisance of the possibility of damage being caused to the material or object as a result of it being handled for the purposes of making the reproduction, and may impose any condition reasonably necessary to prevent damage being caused to the material or object.

Library hours

13. The hours determined by the Council during which any library will be open to the public, must be displayed on a notice at the entrance to the library concerned and must specify –
- (a) the days on and hours during which the library will be open and closed; and
 - (b) the hours during which the use of such library or any section thereof will be restricted to adults or children.

Hire and use of auditoria and lecture rooms or library space

14. (1) The Council may hire out to any member or other person, any auditorium, lecture room or other area within a library complex against the payment of the prescribed fee therefor, for the purpose of holding a lecture, debate or presentation or staging of an exhibition or filming or programming a sequence of scenes requiring a library background or which incorporates the use of library material.
- (2) Application for the hire of any such facility must be made in writing to the Director.
- (3) Notwithstanding the provisions of subsection (1), any facility contemplated in that subsection, may be made available without payment of a prescribed fee –
- (a) to any organisation supporting the provision of library services;
 - (b) for any activity which the Council may either generally or specifically determine.

Internet viewing stations

15. Any person may utilize an internet viewing station at a library, where such facilities are made available by the Council, provided he or she -
- (a) pays the prescribed fee therefor;
 - (b) obtains prior permission from a librarian; and
 - (c) observes the maximum period of use determined by a librarian;
 - (d) abstains from loading personal software on to any hardware comprising an internet viewing station;
 - (e) agrees to and does bear the cost of repairing any damage caused intentionally or negligently to the internet equipment while being operated by him or her; and
 - (f) agrees to and does observe the Council's policy on e-mail and internet usage, which must be displayed at each internet viewing station.

Hiring of multimedia library space

16. (1) A multimedia library may be made available to any person applying therefor against payment in advance of the prescribed fee.
- (2) Any person who wishes to hire a multimedia library must make an advance reservation with the librarian in charge thereof.
- (3) The hiring of a multimedia library is subject to such conditions as the Director may determine.

Performing arts library

17. (1) Subject to the provisions of subsection (2), all printed music in a performing arts library must be made available for loan free of charge to registered adult members and organizations.
- (2) Orchestral and bulk vocal scores may be made available for loan only to orchestras, school libraries and choirs upon written application and against payment of the prescribed fee.
- (3) Material not for loan may be determined by the Performing Arts Librarian in his or her discretion.

Availability of By-Laws and notices

18. A copy of these By-laws must be available for inspection, and a notice to that effect must be displayed at a prominent place, in every library and be brought to the attention of any library user when necessary.

Conduct in libraries

19. (1) Any person who -
- (a) conducts or engages in excessively loud conversation in any part of a building housing a library in a manner which causes or is likely to cause annoyance to any other person in that library;
 - (b) uses abusive or otherwise objectionable language or behaves in an abusive, objectionable or disorderly manner, in a library;
 - (c) hampers, disturbs, obstructs or harasses any other person in the legitimate use of a library;
 - (d) damages any part of a library building or its contents;
 - (e) furnishes a false name or address to a librarian for the purpose of entering any part of a library or for obtaining any benefit or privilege;
 - (f) enters or remains in a library while knowingly suffering from any notifiable medical condition proclaimed in terms of section 45 of the Health Act, 1977, or while under the influence of intoxicating liquor or habit-forming drugs;
 - (g) smokes, eats, drinks or sleeps in any part of a library where these activities are forbidden; or
 - (h) contravenes any other provision of these By-laws, may be ordered by a librarian to leave that library, and if he or she refuses to do so, may be removed from that library by the use of reasonable and necessary force.

CHAPTER 2**ARTS AND CULTURE AND COMMUNITY CENTRE FACILITIES*****Part 1: Hire and use of community, arts and culture facilities*****Definitions and interpretation**

20. (1) In this Chapter, unless the context otherwise indicates-

"art" means all forms and traditions of dance, drama, music, music theatre, visual arts, crafts, design, written and oral literature, film, video, traditional and community art, all of which serve as means for individual and collective creativity and expression through performance, execution; presentation, exhibition, transmission and study and artistic has a corresponding meaning;

"artist" means any person who is involved in the creation or production of art, music, dance, theatre, craft, films, video, traditional and community art, musical theatre and literature;

"appurtenance" means any installation or appliance on or in the premises and includes, without derogating from the generality of the foregoing, any key, lock, window, toilet pan, basin, water tap and fitting;

"authorised official" means an official of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"centre" means a building or premises owned or operated by the Council, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;

"Council" bears the same meaning as defined in section 1;

"culture" means the dynamic totality of distinctive, spiritual, material, intellectual and emotional features which characterise a. society or a social group and includes language and heritage conservation and further includes any museum, archive, library, historical site and monument and cultural has a corresponding meaning;

"cultural activity" means any cultural function, meeting, festival, flea market and exhibition and any other cultural activity;

"facility" means any art and cultural facility under the administration and control of the Council and includes all appurtenances;

"group activity" means -

- (a) for the purposes of Part 1 of this Chapter, an activity or function of an artistic or cultural nature, in which several members of a group of persons having an interest in the nature of that activity, participate either together or in sub-groups or serially; and
- (b) for the purposes of Part 2 of this Chapter, an activity or function of an artistic, cultural or indoor sporting nature, in which several members of a group of persons having an interest in the nature of the activity, participate either together or in sub-groups, or serially, whether as individuals or in teams;

"hirer" means any person who applies, pays and obtains approval for the use of premises or a facility;

"premises" means any land, building or structure or any portion of land, building or structure on or in which art and cultural activities regulated by these By-laws take place or on which a centre has been constructed and includes any facility in or on the premises;

"prescribed fee" bears the same meaning as defined in section 1;

"property" means the land on which any building or structure of the Council is situated;

Rights and status of artists

21. The Council must recognise the right of all artists to practise their respective forms of art and enjoy their right to freedom of expression through such medium, subject to the provision of any law.

Co-operation between Council departments

22. (1) Every department of the Council having jurisdiction over or responsibility for any multi-purpose community premises must cooperate with any other such department in ensuring that –
- (a) the premises is properly maintained in a state fit for the purposes for which it was designed and is used; and
 - (b) no part of the premises is made available to or hired out to more than one person at the same time.
- (2) The Council's Department of Arts Culture and Heritage must coordinate the co-operation contemplated in subsection (1).

Application for hiring of premises

23. (1) Any person wishing to apply for the hiring of premises must–
- (a) submit an application on the form prescribed by the Council for this purpose; and
 - (b) submit such application form to the Arts and Culture Office of the Council not less than 42 days prior to the date on which the premises are first required by the applicant.
- (2) The Council may refuse to hire out any premises in terms of subsection (1), or cancel any hiring thereof if –
- (a) the premises are to be, or being, used for any unlawful purpose; or
 - (b) the premises being applied for are required by the Council for municipal purposes during the same time.

- (3) The Council may in its discretion refund all the prescribed fees that have already been paid to it in respect of the application concerned.
- (4) The hirer is limited to the use of the premises specified in the application form.
- (5) The premises so hired may not, except with the prior written permission of the Council, be used for any purpose other than the purpose indicated on the application form.
- (6) No premises hired out by the Council may be used for the purpose of conducting any form of religious worship, unless the express written permission of the Council for such use has been given in writing: Provided that –
 - (a) such use may be made of the premises only at the times specified in the agreement of hire or letter of approval; and
 - (b) the Council is entitled to refuse its approval unless it is satisfied that such use will not, by reason of singing, chanting, acclamation or other form of noise-producing worship, constitute an undue interference with the amenities normally enjoyed by other occupants of the building or occupants of any neighbouring building.

Prescribed fees

24. A prescribed fee, if determined by the Council, is payable for premises, services and facilities provided by the Council in terms of these By-laws.

Payment of fees

25. No person is permitted to use any premises hired unless the prescribed fee has been fully paid: Provided that the Council may exempt any person or organisation, on good cause, from the payment of portion or all of the prescribed fee.

Period of hire

26. Notwithstanding any determination made by the Council regarding the dates and period for which the premises may be hired, the Council may allow the hirer reasonable access to the premises prior to the commencement date of the period of hire, to enable the hirer to make the necessary preparations and arrangements in or on the premises.

Adjustment of period of hire

27. (1) Any person who makes an application for the hire of premises in terms section 23 may, subsequent to the approval of such application, apply for the postponement of such hiring to a later date, without penalty or forfeiture: Provided that the postponement may be refused if the premises have in the meantime been hired for use by another person or is required by the Council on the dates to which the postponement is sought.
- (2) Any person who has made an application for hiring of premises may cancel such application and if -
- (a) an application is cancelled 30 days or longer prior to the commencement date of the period of hire, the hirer must receive a full refund of the prescribed fee already paid;
 - (b) an application is cancelled more than 15 days but less than 30 days prior to the commencement date of the period of hire,, the hirer must receive a 50% refund of the prescribed fee already paid; or
 - (c) an application is cancelled 15 days or less prior to the commencement date of the period of hire, the hirer is not entitled to receive any refund of the prescribed fee already paid.
- (3) Provided the premises concerned have not in the meantime been hired for use on the date concerned by any other person a person who has hired premises may extend the period of hire of that premises upon written application to the Council as contemplated in section 23, except that a period of 42 days' notice is not required .

Joint hire

28. (1) The Council may let any premises or part thereof to different hirers for simultaneous use and in such a case, each hirer must use all the ancillary facilities which serve the different parts of the premises in common, jointly with the other users and in such manner that all the different hirers, their guests, customers and patrons, are able to enjoy the use of those facilities without infringing on the rights of use by other users.
- (2) The provisions of this Part of these By-laws, read with the necessary changes, apply to the joint users of the hired premises.

Sub-letting

29. A hirer may not sub-let the hired premises, or any part thereof, to any other person *nor* may the hirer cede, pledge or renounce in favour of another person any of his rights or obligations under these By-laws, nor allow any other person to occupy the premises, *without the* prior written permission of the Council.

Condition of premises

30. (1) The hirer must inspect the hired premises, including any installation, appliance, fitting, accessory and furniture, on or in the premises before he commences to use such installation, appliance, fitting, accessory and furniture and if the hirer finds that any installation, appliance, fitting, accessory or furniture on the premises are not in a proper state of repair, the hirer must report this fact to the Council in writing.
- (2) If the hirer fails either to inspect the premises or to report any defects found, in terms of subsection (1), it is deemed that upon commencement of occupation by the hirer, everything in the premises was in a proper state of repair.

Duties of the hirer

31. A person hiring premises from the Council -
- (a) must keep and maintain the premises hired out and return them to the Council in the same order and condition as when they were hired out;
 - (b) must take all reasonable steps to keep every sewerage pipe, water tap and drain within or serving the premises free from obstruction or blockage as a result of the hirer's activities;
 - (c) must at all times keep the premises in a clean, tidy and sanitary condition;
 - (d) may not affix or attach to the premises any notice or other matter without the prior written permission of the Council and must upon the termination of the hire, remove every such attachment;
 - (e) may not obscure any plate glass window by painting or otherwise;
 - (f) may not drive any screw or nail into a wall or partition or door of the premises;
 - (g) may not change or interfere with or overload any electrical installation in or on the premises;
 - (h) may not remove or take out from the premises any furniture or other articles whatsoever belonging to the Council;
 - (i) may not obstruct, interfere or tamper with any thermostat or air conditioning appliance in the premises or any building in which the premises are located;
 - (j) may not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the opinion of an authorised official could damage the premises or any part thereof without the permission of that official and subject to any conditions imposed by that official, to ensure the safety of the premises and any person using them;
 - (k) may not install in the premises any air conditioning or ventilating unit or equipment without the prior written permission of the Council;

- (l) may not permit the storage of any motor vehicle or other movable item of any description on any pavement outside an entrance hall, staircase or passage of the premises;
- (m) may not do anything on the premises, nor allow anything to be done in non-compliance with any reasonable instruction given or issued by an authorised official; and
- (n) may not park any vehicle nor allow the parking of any vehicle by any of the hirer's employees, invitees, agents, directors or other representatives anywhere on the premises except in properly demarcated parking bays on the premises as pointed out by an authorised official.

Advertisements and decorations

32. (1) No person who has applied for the hire of premises may publicly announce or advertise any function or event in respect of which an application for the hire of such premises in terms of section 23 has been made, before the Council has notified that person in writing that the application has been approved.
- (2) Every hirer must, before vacating the hired premises or the termination of the period of hire for any reason whatsoever, remove every poster, notice, decoration, flag, emblem, sign and other form of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal

Admissions and sale of tickets

33. The hirer is responsible for all arrangements in connection with the admission of the members of the public to any function or event on or in the hired premises, the provision of ushers and other persons necessary to control the admission of persons to the premises, and the sale of tickets.

Overcrowding

34. (1) No overcrowding of the premises or facilities is allowed at any time during the hirer's function or event and the hirer must comply with the Council's requirements prescribing the maximum number of persons allowed on the premises during the function or event.
- (2) Without detracting from the general requirements referred to in subsection (1), the hirer may not allow more persons admission to the premises than the number of available seats or, if seating is not provided, the maximum number of persons prescribed by notice on the premises or as stipulated in the agreement of hire.

Sale of refreshments

35. (1) No person may sell refreshments or food stuffs on or in any hired premises during any function or event for which they have been hired, without the prior written permission of the Council.

- (2) The Council may permit the sale of refreshments or foodstuffs by any person as it may approve after it has received a written application to sell such items, and the Council may allocate sufficient accommodation to that approved person, wherein trading stock, furniture, equipment, installations and books necessarily required for trading may be accommodated.
- (3) The provisions of subsections (1) and (2) do not apply if the supply and sale of refreshments or foodstuffs is an integral part of the function or event of the hirer.

Services

36. (1) The nature of the municipal services to be provided to the hired premises by the Council is at the sole discretion of the Council.
- (2) The Council may take such steps as it may consider necessary in its discretion for the proper maintenance and operation of any common areas in or on the hired premises.
- (3) An authorised representative of the Council may attend the hirer's function or event to ensure compliance with any provision of this Part.
- (4) A hirer is not entitled to the official services of any authorised official or other representative of the Council who attends the hirer's function or event in terms of subsection (3).
- (5) A hirer is not entitled to receive gratuitous cleaning or other service from the Council in connection with the hirer's activities during the preparation for, or during, a function or event.

Cancellation due to destruction of premises

37. (1) The Council may cancel the hire of premises if-
 - (a) the premises are destroyed or are damaged to such an extent that they are substantially unusable;
 - (b) there is such damage to the premises that, although paragraph (a) does not apply, the premises have been rendered substantially unusable because of the absence of access or supply of any necessary municipal service or amenity; or
 - (c) there is destruction of damage to the premises or any part thereof or to any neighbouring building, whether or not the hired premises are involved, and the Council decides not to proceed with the hire of the premises in order to engage in reconstruction, renovation or rebuilding or for safety reasons.

- (2) Any decision made in terms of subsection (1), must be communicated by written notice given by the Council to the hirer within a reasonable period after the event referred to in subsection (1) giving rise to the cancellation.

Cancellation due to non-compliance

38. (1) The Council may at any time cancel the hire of premises if the hirer contravenes or fails to comply with any provision of this Part.
- (2) A cancellation in terms of subsection (1) is without prejudice to any right or claim which the Council may have against the hirer under any provision of these By-laws or at common law.

Termination of period of hire

39. (1) Upon the termination of the period of hire for any reason, the hirer must return the premises and the facilities to the Council in good order and condition and must make good and repair or replace at his or her own cost on demand of the Council any damage or breakage or missing article or, in the alternative, reimburse the Council for the cost of repairing, making good or replacing any broken, damaged or missing article.
- (2) (a) Every hirer must vacate the hired premises after termination of the period of hire within the period specified in the application form or agreement of hire.
- (b) If a hirer fails to comply with the provisions of paragraph (a), he or she is liable to pay a further prescribed fee, for the additional period during which the hirer remains in occupation of the premises after the termination of the period of hire.
- (c) The provisions of this subsection do not preclude the Council from taking lawful steps to procure the eviction of any such hirer from the premises.
- (3) (a) A hirer must comply with every reasonable and lawful instruction of the Council or an authorized official in respect of the cleaning of the premises when the hirer vacates the premises.
- (b) An authorised official may elect to undertake the cleaning of all crockery and cutlery used by the hirer.
- (4) A hirer must comply with all reasonable and lawful instructions of the Council or an authorized official in respect of the vacation of the premises and the return of the facilities concerned.

Fire hazards and insurance

40. (1) A hirer may not at any time bring or allow to be brought or kept on the premises, nor do or undertake nor permit to be done or undertaken in or on the premises, any matter, thing or activity whereby a fire or any other insurance policy relating to the building concerned may become or becomes void or voidable or whereby the premium for any such insurance may be or is increased.
- (2) If the premiums for insurance contemplated in subsection (1), are increased as a result of any act or omission contemplated in that subsection, the Council may, in its discretion, allow the activity concerned to continue and recover from the hirer the amount due in respect of any additional insurance premiums and the hirer must pay such amount immediately on notification from the Council or the insurance company to the effect that such additional premiums have been charged.
- (3) The Council may at any time in its discretion require the hirer to take up insurance of the premises hired with an insurance company approved by the Council, against loss or damage by fire or any other cause during or as a result of any function or event for which the premises are hired.

Storage facilities

41. The Council is not responsible for providing facilities for the storage of the equipment of the hirer, or the hirer's employees, visitors, supporters or agents during any period prior to, during or after the function or event concerned.

Equipment

42. (1) A hirer who requests the Council to supply any equipment for use during a function or event, may use such equipment only with the permission of the Council and under the supervision of an authorised official.
- (2) If a hirer causes damage to the equipment referred to in subsection (1), or removes or causes the equipment to be removed from the premises without permission or, having removed it with permission, fails to return it, the hirer is liable for the repair or replacement costs thereof.

Right of entry

43. (1) Subject to the provisions of applicable national and provincial legislation, an authorized official or another authorised representative of the Council, or service provider may enter hired premises at any reasonable time-

- (a) to inspect the premises and carry out any repairs, alterations, additions, modifications or improvements on or in the premises.
 - (b) in order to ensure that the conditions of hire of the premises and the provisions of this Part are being complied with.
- (2) An authorised official, other authorised representative of the Council, or a service provider is entitled to erect scaffolding, hoardings and building equipment in, at, near or in front of hired premises as well as such other devices required by law or which the Council's architects may certify is necessary to carry out the activities contemplated in subsection (1)(a).

Inspection

44. Upon the conclusion of all the hirer's activities at the termination of the period of hire or at the cancellation of the hire in terms of any provision in this Part, an authorised official and the hirer or his or her nominee must inspect the premises, for the purpose of assessing any damage or loss and compliance with the provisions of this Part.

Regulations

45. A hirer must comply with the Council's security and fire protection regulations which may from time to time be in force in respect of the premises concerned.

Nuisance

46. (1) No person attending or intending to attend any function or event in or on hired premises, may conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any other person in or user of the premises, or to any occupier of any other part of the building or neighbouring building.
- (2) An authorised official may, during any function or event of a hirer, instruct the hirer to remove from the premises any person who is in a state of intoxication or who is acting in contravention of subsection (1).
- (3) An authorised official may, during any function or event of a hirer, direct the hirer to prevent the entry on or into the hired premises by any person who is in a state of intoxication or who is acting in contravention of subsection (1).

Part 2: Community centres**Group activities**

47. (1) Every participant in a group activity must be a registered member of the centre at which such activity takes place.
- (2) Notwithstanding the provisions of subsection (1), a member may introduce a guest participant and every guest must be registered with an authorised official upon arrival, and, if no authorised official is then present, the particulars of the guest must be entered in a register kept at the centre for that purpose.
- (3) Unless permission to do otherwise has been granted by the authorised official in charge of a centre, a group activity may only take place under the supervision of an authorised official.
- (4) A group activity may only take place at times allocated for that activity by the authorised official in charge of the centre.

Membership

48. (1) Membership of a centre is valid for one calendar year, from January to December of each year, or for the remaining portion of such year after the date of approval of an application for membership.
- (2) Membership may be renewed at the end of each year for the following year.
- (3) Resignation from membership during the course of a year does not entitle a member to a refund of any portion of the prescribed membership fee.

Membership fees

49. (1) In determining prescribed fees for membership, the Council may differentiate between the prescribed fees payable by members of different centres and between classes of membership, which are dependent on the nature of the activity which a member wishes to pursue.

Use of centres for religious or personal purposes

50. (1) The Council may determine, either specifically or generally, the times when and the conditions under which any portion of a centre may be set aside for exclusive use by members of one sex only, whether in accordance with religious observance or for any other reason.
- (2) The Council may also determine which portions of a centre may be so set aside at such times.

Dress code

51. Any member and his or her guest must at all times be suitably attired for participation in the activity they propose to pursue, and without derogating from the generality of this requirement, no participant may wear any shoes or other footwear which, in the opinion of the authorised official in charge of, or supervising, the activity may cause damage to any part of the floor of a centre.

Conduct of children

52. Unless the group activity in which a child under the age of 14 years is participating is a session specially arranged for young participants, every such child must be accompanied to the centre and must at all times be under the control and supervision of a parent or other adult, and such parent or adult is responsible for the conduct of such child while present in the centre.

Application of certain sections of Part 1 of Chapter 2 to centres

53. The provisions of sections 22 to 29, 31, 34 to 37, 39 to 42, 45 and 46 read with the necessary changes, apply to the hire, operation and use of centres.

Application of certain sections of Part 1 of Chapter 3 to centres

54. The provisions of sections 75 to 95 read with the necessary changes, apply to the operation and use of centres.

CHAPTER 3**RECREATION AND SPORT*****Part 1: Camping and caravan parks*****Definitions and interpretation**

55. (1) In this Part any word or expression defined in section -20, bears that meaning and, unless the context otherwise indicates -

"ablution room" means a room or facility set aside for persons lawfully present in a camping ground to wash themselves or to take a bath or shower;

"calendar year" means the period 1 January to 31 December of any year;

"camping ground" means any area of land which has been set aside by the Council for use as a camping ground or as a caravan park, or as both;

"camping site" means an area of land in extent 10.75 square metres situate within the boundaries of a camping ground;

"camping officer" means the Director of Parks or his duly authorised representative and includes an authorised official in charge of a camping ground;

"caravan" means a vehicle or similar portable, movable or towable structure having no foundation other than wheels and jacks, which is designed and constructed so as to permit human occupation for dwelling or sleeping purposes and includes a mobile home, trailer, travel trailer and camper van;

"caravan site" means a site set aside and designated by a camping officer in a camping ground as an area for the parking of a caravan, with or without a side tent, and a motor vehicle for towing purposes;

"permit holder" means the person to whom a permit is issued in respect of a camping site or caravan site;

(2) Section 1 (2) applies equally to this Part.

Lighting of fires prohibited

56. No person may camp or light a fire for the purpose of camping upon any open space vested in, or under the control of, the Council, except on a camping site.

Permits

57. (1) Any person who wishes to make use of a camping site or caravan site may do so only under and by virtue of a permit to do so.

(2) A permit to occupy a camping or caravan site must be obtained from a camping officer, and is valid for the period specified therein.

(3) Every permit holder and any person accompanying him or her must at all times comply with the conditions specified in the permit concerned and the provisions of this Part.

Extension of permits

58. Subject to the provisions of this Part, the period of validity of a permit may be extended at the discretion of a camping officer if the site concerned has not previously been allocated to another party for the period in respect of which the extension is required.

Limitation on the period of occupancy of a camping site

59. No permit holder may occupy a camping site for a period longer than 30 days in all in any consecutive period of 12 months.

Allocation and use of sites

60. (1) A camping site is allocated in the discretion of the camping officer in charge and may only be used for the purpose of a camping holiday and no building or structure whatsoever may be erected thereon other than a tent for the bona fide use of the permit holder and his or her party.
- (2) A caravan site is allocated in the discretion of the camping officer in charge and may, subject to the provisions of subsection (4), only be used for the parking of a caravan and one towing vehicle.
- (3) A caravan parked on a caravan site may only be used to house the permit holder and his or her party.
- (4) The provisions of subsection (2) do not preclude the erection of a side tent which is attached to a caravan on a caravan site.

Proper use of roads and pathways

61. In proceeding to and from a camping site, a permit holder or members of a permit holder's party must travel over the established roads within the camping ground and may not drive any vehicle across other camping sites or other areas.

Reservation of sites

62. (1) A camping or caravan site may be reserved in advance, but such reservation lapses if the person making the reservation does not present himself or herself to the camping officer in charge on or before the first day of the period of the reservation and pay the prescribed fee.
- (2) No refund of any prescribed fee paid in advance will be made in respect of a camping or caravan site reserved but not occupied.

Right of refusal to issue or renew permits

63. A camping officer may refuse to issue or renew a permit to any person whom he or she reasonably suspects to be under the influence of intoxicating liquor or habit forming drugs.

Obligations of permit holders**64. A permit holder—**

- (a) must take all precautions to prevent the creation of any nuisance prejudicial to public health or the peaceful enjoyment by others of the camping ground and its facilities;
- (b) may not by act or omission cause or permit such a nuisance to exist on his or her camping or caravan site;
- (c) must make camp or park a caravan on a site allocated in his or her permit and pointed out by the camping officer;
- (d) must comply with any reasonable instruction of the camping officer as to the manner of making camp or parking a caravan or towing vehicle;
- (e) must ensure that the camping or caravan site allotted in his or her permit is kept in a clean and sanitary condition;
- (f) may not deposit nor permit to be deposited any litter, rubbish or refuse, whether within or outside the allocated camping or caravan site, except in places which may be set apart for that purpose by the Council.
- (g) is responsible for the maintenance of good order and decency on his or her camping or caravan site and may not allow anything therein to interfere with the comfort and convenience of other campers;
- (h) must voluntarily vacate the camping or caravan site on the expiry or cancellation of his or her permit failing which he or she may be ejected from the camping ground by a camping officer without notice.

Cancellation of permits

65. If a permit holder or any member of his or her party commits a breach of any provision in this Part, a camping officer may, after having considered any reasons advanced by such permit holder as to why that camping officer should not act in terms of this section, cancel his or her permit.

Access and loitering by members of the public prohibited

66. No person, other than a permit holder or a member of a permit holder's party or a bona fide guest of a permit holder, may enter, or loiter in or about, any camping ground.

Site to be left in a clean condition

67. Every permit holder vacating a camping or caravan site must—

- (a) leave that site in a clean and tidy condition and take steps to have all rubbish generated, deposited in a rubbish bin provided for that purpose; and
- (b) fill in any hole made in the ground by him or her or any member of his or her party.

Washing of clothes and utensils and preparation of foodstuffs

68. No permit holder or a member of his or her party may wash clothes, clean household utensils, fish, vegetables or the like or prepare food, except at a place set aside for that purpose or a place which a camping officer may indicate.

Trading without permission

69. (1) No person may carry on any trade or business at any camping ground without the prior written permission of the Council.
- (2) No person may hawk or expose for sale any goods whatsoever within the precincts of any camping ground without the prior written permission of the Council.

Damage to vegetation or property

70. (1) No person may cut down or damage any tree, shrub or other plant or unnecessarily disturb any vegetation within any camping ground.
- (2) No person may wilfully or negligently damage any tap, toilet; notice board or any other property belonging to the Council in a camping ground.

Instructions of camping officer to be complied with

71. Any person, must promptly observe and comply with any lawful instruction of a camping officer concerning any camping ground, and no unauthorised person may remain therein after having been requested to leave by a camping officer or authorised official.

Registration and use of firearms

72. (1) No firearm may be brought into a camping ground, except for the personal protection of a permit holder and his or her party.
- (2) Any firearm must be declared and registered with a camping officer upon arrival at the camping ground, and if not required for personal protection, may be impounded by a camping officer and must be returned to the owner upon departure from the camping ground.

Protection of wild life

73. (1) No person may shoot, trapp or in any way injure or interfere with any animal, bird or fish in a camping ground.
- (2) No person may fish in a camping ground, except in a river or dam where a notice permitting fishing is displayed, and only if the person concerned holds a valid licence to fish issued in terms of any applicable law.

Special requirements regarding caravan parks and caravans

74. (1) A permit holder may only use hooks or pegs approved by a camping officer, to fasten or anchor a caravan or side tent.
- (2) No person may bathe or shower in any place other than an ablution room.
- (3) (a) No permit holder who has been issued with a permit for a period of less than 14 days, may subject to the provisions of paragraph (b) keep any animal in a caravan or on a caravan site except with the prior written permission of a camping officer, who may refuse such permission on grounds of the size, nature, or behaviour of the animal concerned, and any such permission may be withdrawn without notice if the animal concerned misbehaves or causes a nuisance to any other occupant of the camping ground;
- (b) For the purposes of paragraph (a), an animal does not include a small dog standing less than 25 centimetres at the shoulder, a cat, canary, budgerigar or parakeet or similar caged bird that does not utter disturbing sounds, turtle, tortoise, goldfish or similar fish type, or other pet which is unlikely to cause a nuisance.
- (4) No person occupying a caravan site may make undue noise or, without the prior permission of a camping officer, play any musical instrument in the camping ground, and no television set, radio, gramophone, tape recorder or other device for the reproduction or broadcast of recorded sound may be operated -
- (a) outside a caravan; or
- (b) inside a caravan except at a level of output that is unlikely to cause a nuisance or disturbance to any other occupant of the camping ground.
- (5) Any electrical generator powered by an internal combustion engine must be of such design that the noise of the engine is sufficiently muffled as not to cause a disturbance to any other occupant of the camping ground and may not be operated between the hours of 20h00 and 06h00.
- (6) If a chemical toilet is used in a caravan, the permit holder must ensure that it is free of any offensive odour and that it is emptied and cleaned regularly.

Part 2: Sport facilities**Definitions and interpretation**

75. (1) In this Part, any word or expression defined in section 20, bears that meaning and, unless the context otherwise indicates-

"group activity" means any sporting activity involving, or conducted by, an organised body of people which body can be joined by any member of the public who is eligible for membership, and "group" has a corresponding meaning;

"local sport facility" means any sport facility which falls within the area of jurisdiction of the Council;

"notice" means a clearly visible notice in the official languages determined by the Council as contemplated in section 21(2) of the Local Government: Municipal Systems Act, 2000, or any graphic icon depicting notification to members of the public;

"sporting activity" means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

"sport facility" means any area, building or structure which is designated or set aside for a sporting activity and which is owned, managed or controlled by the Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such sport facility;

Administration

76. (1) Subject to the Council's statutory duty to use the resources of the Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act, 2000, all local sport facilities must be administered by or on behalf of the Council in accordance with this Part: Provided that nothing in this Part may be interpreted so as to prevent the Council from disposing of any local sport facility or any rights thereto, in accordance with applicable legislation.
- (2) The use and enjoyment of the local sport facilities by the local community or by any other person are subject to such terms and conditions as may be determined by the Council from time to time, and subject also to such terms and conditions, not inconsistent with this Part, which are contained in any agreement of hire or lease entered into between the Council and any individual or group.

- (3) Despite the right of the local community to the use and enjoyment of the local sport facilities, the Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

Access conditions

77. (1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.
- (2) The right of access to any local sport facility is reserved by the Council at all times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if such person behaves or conducts him/herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.
- (3) In the event of a person contemplated in subsection (1), refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Services or a member of any other police force, if available.
- (4) The Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may, once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.
- (5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to –
- (a) search any person wishing to enter that facility;
 - (b) search any container of whatever kind which such person proposes to bring into or on to that facility;
 - (c) search any motor vehicle which it is proposed to drive into or onto that facility;

- (d) seize any item or object being carried by any person or revealed by any such search which, in the opinion of the authorised official –
- (i) is a substance the possession of which is prohibited by any law;
 - (ii) is or could become a dangerous weapon;
 - (iii) contains intoxicating liquor; or
 - (iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;
- (6) With the exception of any substance referred to in subsection (5) (d)(i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from the local sport facility.
- (7) (a) The Council must, display conspicuous notices at or near every entrance gate, indicate the hours during which a local sport facility is open to members of the public.
- (b) The Council may at any time temporarily close a local sport facility to members of the public for purposes of repair, maintenance, hire to a group, or for any other reason, in the Council's discretion.
- (c) No unauthorised person may enter or remain inside, a local sport facility, at any time other than during the hours when that sport facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

Smoking

78. Subject to any other law, and save for an open air local sport facility, such as an open air stadium or a golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

Alcoholic beverages

79. (1) Subject to the terms and conditions stipulated in any agreement entered into between the Council and a hirer of a local sport facility, and subject to any other law, no person may –
- (a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of the Council; or
 - (b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.

- (2) If the sale and consumption of alcohol on or in a local sport facility is permitted by the Council, such sale or consumption is on condition that –
- (a) beer, cider and alcoholic cordials of all descriptions is served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and
 - (b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

Duties of hirer

80. A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost to the Council of repairing any damage to, or cleaning, that facility.

Dress code

81. (1) Every person who participates in a sporting activity must wear appropriate apparel for that activity and an authorised official who is of the opinion that any person is not appropriately clothed, may instruct that any additional item of apparel be worn for a particular sporting activity by that person.
- (2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.
- (3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes an authorised official may eject the person concerned from the premises and debar him or her from re-entry until such shoes have been removed.

Hiring of sport facilities

82. (1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-first-served basis.

- (2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is, in his or her opinion, illegal or contrary to the policy of the Council or is likely to result in violence or possible damage to that facility or to other property.
- (3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.
- (4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.
- (5) The agreement contemplated in section 79(1) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.
- (6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 79(2) (b) is observed at all times.
- (7) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by the Council, in an amount likewise approved, to cover any structural damage which may occur to the sport facility whilst being used by the hirer, and may also be required by the Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.

Reservation of sport facilities by the Council

83. (1) Notwithstanding any other provision of this Part, the Council may –
- (a) for any period reserve any local sport facility for the holding of any specific sporting activity or competition and may during any such period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;
 - (b) reserve any local sport facility either permanently or for such period as it deems fit.

- (2) Except insofar as is provided otherwise in subsection (1), the provisions of this Part, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

Group activities

84. (1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and the Council may determine a prescribed fee for the hire of a sport facility if it is used by guests in addition to the registered members of a group.
- (2) (a) Each member of a group making use of a local sport facility must be issued with a membership card either by the group, or by the Council, if the Council elects to establish a club or group for any group activity on or in that sport facility.
- (b) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.
- (c) The holder of a membership card may not transfer it or allow it to be used by any other person.
- (3) If any membership card issued by the Council is lost, it will be replaced at the cost of the member.
- (4) A membership card must be renewed annually and, if issued by the Council, the prescribed fee therefor must be paid;
- (5) Any group activity may be organised and controlled by an authorised official, free lance instructor, volunteer or any other person, and an authorised official may be present in any instance where the activity is not controlled or organised such official.
- (6) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.
- (7) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.

- (8) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorised official in charge of the sport facility concerned.
- (9) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport facility concerned.
- (10) (a) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.
- (b) An authorised official must give prior written notice to an affected group of a proposed instruction in terms of paragraph (a).
- (c) Notwithstanding the provision of paragraph (b), an authorised official may cancel at short notice any regular activity if, in his or her opinion, a situation of emergency has arisen which renders such cancellation necessary or desirable.
- (11) Notwithstanding anything to the contrary contained in this Part, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, in the opinion of that official, prejudicial to good order or the generally accepted rules of the group activity concerned.
- (12) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is raised by an authorised official.

Public decency

85. (1) (a) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.
- (b) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.

- (2) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.
- (3) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of five years, may enter any part of the premises which is reserved for the use of persons of the other sex.
- (4) No person may occupy a change room for longer than is reasonably necessary to change into different attire.
- (5) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists in such conduct after having been instructed by an authorised official to desist, he or she may be ejected forthwith from the sport facility by that official.

Clothing and personal effects

86. (1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place which an authorised official may direct.
- (2) The authorised official must give a disc or other token bearing a number or other distinguishing mark by means of which the container may be identified, to the person concerned.
 - (3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing, possessions and effects for deposit in terms of this section in a neat bundle only.
 - (4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefor.

Prescribed fees

87. The person concerned must pay the appropriate prescribed fee for admission to, or hire or use of, any local sport facility and any other prescribed fee contemplated in this Part.

Generally prohibited conduct**88. No person may –**

- (a) wilfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by the Council for use in a local sport facility;
- (b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peels, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by the Council for that purpose;
- (c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport facility;
- (d) except where special provision therefor has been made by the Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;
- (e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any prohibitory notice displayed in a conspicuous place therein or thereon;
- (f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;
- (g) except in any place and at any time prescribed by these or any other By-laws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport facility-
 - (i) other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;
 - (ii) except in any place where access of vehicles is allowed; or
 - (iii) in excess of the speed limit indicated by a notice displayed in the local sport facility.
- (h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;
- (i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.
- (j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to member of the public, either inside or outside a local sport facility.

Animals

89. Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official.

Infectious diseases

90. No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

Firearms and traditional weapons

91. No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safe keeping and must be collected from that official when leaving the local sport facility.

Disturbance by sound systems

92. No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorised official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

Sale of food and refreshments

93. No person may, without the prior written permission of the Council and, subject to compliance with any other law, prepare or sell food or refreshments within a local sport facility or in the immediate vicinity of an entrance thereto.

Filming and photographs

94. (1) No person may without the prior written permission of an authorised official film or take a photograph for reward or anticipated profit, on or in a local sport facility.
- (2) Written permission must be obtained from the Council for the filming of commercial material or documentaries, which is subject to payment of a prescribed fee.

Sport advisory forum

95. The Council may establish a sport forum or sport council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body.

CHAPTER 4**MISCELLANEOUS****Definitions and interpretation**

96. (1) In this Chapter, unless the context otherwise indicates, "authorised official" and "Council" bears the same meaning as defined in section 20.
- (2) Section 1 (2) applies equally to this Part.

Animals in facilities

97. (1) Subject to any provision to the contrary contained in these By-laws, no dog, except a guide dog accompanying a blind person, or other pet may be brought into the premises of any facility contemplated in these by-laws, except with the prior written permission of an authorised official or other employee of the Council in charge of the facility concerned.
- (2) Permission in terms of subsection (1) may not be granted in respect of –
- (a) any area inside, or occupied by, any building or structure;
 - (b) the premises of any swimming pool; or
 - (c) any area where the presence of dogs or other pets are prohibited by a notice displayed by the Council.
- (3) Any dog in respect of which permission has been granted in terms of subsection (1) must while it is on the premises concerned, at all times be on a leash and under control by its owner or other person in charge of the dog.
- (4) Any excretion left by a dog on premises contemplated in this section, must immediately be removed by the owner or person in charge and be deposited in a waste receptacle provided by the Council or removed from the premises.

Liability for acts and omissions

98. Neither the Council nor an employee of the Council is liable for anything done or omitted whilst acting in terms of or for the purposes of these By-laws, unless –
- (a) the Council or employee is expressly made liable in terms of the by-laws;
 - (b) the Council or employee is delictually liable at common law; or
 - (c) the Council or employee expressly accepts liability in terms of an agreement with the person alleging such liability.

Offences and penalties

99. Any person who –
- (a) contravenes or fails to comply with any provision of these By-laws;
 - (b) fails to comply with any notice issued or displayed in terms of these By-laws; or
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) who obstructs or hinders any authorised official, other official or representative, of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months, and in the case of a continuing offence, to a further fine or in default of payment to imprisonment not exceeding one (1) day for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

Repeal

100. The By-laws set out in Schedule 1 to theses By-laws, are hereby repealed, to the extent set out in that Schedule.

SCHEDULE 1

BY-LAWS REPEALED

Number and Year	Name of By-laws	Extent of Repeal
Administrator's Notice 441 dated 21 August 1940	City of Johannesburg: Golf Course By-laws	Whole
Administrator's Notice 81 dated 3 February 1954	Municipality of Roodepoort-Maraaisburg: Camping By-laws	Whole
Details of notice could not be established	Camping By-laws as applied by the Midrand Municipality	Whole
Details of notice could not be established	Caravan Park By-laws as applied by the Midrand Municipality	Whole
Administrator's Notice 287 dated 5 April 1955	City of Johannesburg: By-laws for the Regulation of Tennis Grounds	Whole
Administrator's Notice 295 dated 14 May 1958	Transvaal Board for the Development of Peri-Urban Areas: Camping Site By-laws as applied by the Sandton Municipality	Whole
Administrator's Notice 218 dated 23 March 1966	Standard Library By-laws as applied by the Midrand Municipality	Whole
Administrator's Notice 643 dated 24 August 1966	Johannesburg Municipality: Swimming Pool By-laws	Whole
Administrator's Notice 796 dated 19 October 1966	Roodepoort Municipality: Adoption of Standard Library By-laws promulgated by Administrator's Notice 218 dated 23 March 1966	Whole
Administrator's Notice 934 dated (Year could not be established)	Roodepoort Municipality: Caravan Park By-laws	Whole
Administrator's Notice 311 dated 8 March 1972	Johannesburg Municipality: Public Library By-laws	Whole
Administrator's Notice 815 dated 15 May 1974	Randburg Municipality: Hall and Community Centre By-laws	Whole
Administrator's Notice 1060 dated 2 September 1981	Sandton Municipality: By-laws Relating to the Hire of Halls	Whole
Government Notice R.2610 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Libraries as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole

<p>Government Notice R.1449 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notice 188 dated 17 April 1991</p>	<p>By-laws relating to Public Swimming Pools as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto</p>	<p>Whole</p>
<p>Government Notice R.1450 dated 13 July 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notice 187 dated 17 April 1991</p>	<p>By-laws relating to Communal Halls and Recreational Grounds as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto</p>	<p>Whole</p>
<p>Government Notice R.2011 dated 6 September 1985 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993) as amended by Administrator's Notices 1620 dated 28 October 1987, 1881 dated 9 December 1987 and 748 dated 29 June 1988</p>	<p>City Council of Soweto: By-laws relating to the making of Charges for Services and the use of Facilities</p>	<p>Whole</p>
<p>Local Authority Notice 2825 dated 3 August 1994</p>	<p>Sandton Town Council - Adoption of Standard By-laws promulgated by Administrator's Notice 254 dated 16 June 1993</p>	<p>Whole</p>
<p>Local Authority Notice 1841 dated 5 August 1998</p>	<p>Northern Metropolitan Local Council: Swimming Pool By-laws</p>	<p>Whole</p>
<p>Details of notice could not be established</p>	<p>Roodepoort Municipality; Swimming Bath By-laws</p>	<p>Whole</p>
<p>Local Authority Notice 1840 dated 5 August 1998</p>	<p>Northern Metropolitan Local Council: Public Library By-laws</p>	<p>Whole</p>

NOTICE 826 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****EMERGENCY SERVICES BY-LAWS**

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

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

Definitions and Interpretation

2. (1) In these By-laws unless the context otherwise indicates -

"above ground storage tank" means a tank situated above ground for the storage of flammable substances as contemplated in SABS 0131 and SABS 089 Part 1 and SABS 087 Part 3;

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

"approved" means as approved by the Council;

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

"certificate of fitness" means a certificate contemplated in section 20;

"certificate of registration" means a certificate contemplated in section 35;

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

"Chief Inspector of Explosives" means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956;

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

"class" means a class of petroleum product based on the following classification:

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

"combustible liquid" means a liquid which has a close-cap flash point of 38°C or above;

"competent person" means a person who is qualified by virtue of his or her experience and training;

"Council" means –

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws, has been delegated or sub-delegated or an instruction given as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be;

"dangerous goods" means any flammable gas, flammable liquid or flammable solid as contemplated in SABS 0228;

"dwelling house" means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

"dump" means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

"emergency" means any incident or eventuality which seriously endangers or may endanger any person or property;

"emergency evacuation plan" means an emergency evacuation plan contemplated in section 17;

"emergency route" means that part of any escape route which-

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

"enclosed place" in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised ;

"escape door" means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

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

"explosives" means explosives as defined in section 1 of the Explosives Act, 1956;

"Explosives Act" means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

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

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

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

"fire damper" means an automatic damper, including its assembly, which complies with the requirements of SABS 193;

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

"fire installation" means any water installation which conveys water solely for the purposes of fire-fighting;

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

"fireworks display " means the use of fireworks for purposes of a public display;

"flammable gas" means a gas which at 20°C and a standard pressure of 101,3 kilopascals –

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

"flammable liquid" means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;

"flammable substance" means any flammable liquid, combustible liquid or flammable gas;

"Group I, II, III, V, VI, VIII and IX hazardous substances" means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

"hazardous substance" means any hazardous substance contemplated in the Hazardous Substances Act;

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

"liquified petroleum gas" means a mixture of light hydrocarbons (predominantly propane, propene, butane, butene) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

"member" means a member of the Service and includes the Chief Fire Officer;

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

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

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

"occupier" means any person who occupies or has control over any premises;

"owner" in relation to premises, means the registered owner of the premises and includes -

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

"premises" means any land, building, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

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

"public gathering" includes any gathering by members of the public-

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

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

"pyrotechnist" means any appropriately qualified person responsible for the use of fireworks at a fireworks display;

"registered premises" means any premises in respect of which a certificate of registration has been issued;

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

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

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

"spray" means to spray, coat, plate or epoxy-coat with any hazardous substance and "spraying" has a corresponding meaning;

"spraying permit" means a permit contemplated in section 79;

"spraying room" means a room contemplated in section 83;

"storage vessel" means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

"store room" means a room for storage of flammable substances contemplated in section 49;

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

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

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

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

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

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

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2**FIRE PREVENTION AND FIRE PROTECTION*****Part 1: Fire Prevention*****Certain fires prohibited**

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

Storage and accumulation of combustible material prohibited

4. (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.

- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or occupier of the property concerned must without delay eliminate the hazard or cause the hazard to be eliminated by -
 - (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - (b) pruning, chopping down or sawing any shrub or tree; and
 - (c) removing any resulting combustible residue from the property.

Electrical fittings, equipment and appliances

5. No person may cause or allow -

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

Flame-emitting devices

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

Safety fire-breaks required

- 7. (1) Every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm that-
 - (a) is at least 5 metres wide (when measured parallel from the boundary concerned); and
 - (b) contains no vegetation or combustible residue.
- (2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5 metre-wide safety fire-break around that obstruction.
- (3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer.
- (4) Any person who intends to clear or maintain a safety fire-break by burning must-
 - (a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and

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

Part 2: Fire Protection

Design and construction of buildings

- 8. (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that -
 - (a) provides for -
 - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
 - (ii) the discharge of that water directly into a storm water drain;
 - (b) prevents any water that may result from fire-extinguishing activities from draining-
 - (i) down any stairway or lift shaft;
 - (ii) down any electrical shaft or telecommunications service shaft;
 - (iii) down any shaft that is connected to a basement level; or
 - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
 - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and
 - (d) complies with the requirements of SABS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that-
 - (a) the transformer room is situated on the ground level;
 - (b) access to the transformer room is from outside the building; and
 - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.

Design and construction of dumping sites

9. (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-
- (a) the Department of Water Affairs and Forestry; and
 - (b) the Council.

Design and construction of other structures and sites

10. (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations and Building Standards Act -
- (a) any grain silo;
 - (b) any atrium;
 - (c) any air traffic control tower;
 - (d) any tower for telecommunications or other uses;
 - (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
 - (f) any tent or other temporary structure for holding a public gathering; and
 - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it-
- (a) complies with a rational design as contemplated by the National Building Regulations and Building Standards Act;
 - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
 - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
 - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
 - (e) is equipped with effective earthing devices for the discharge of static electricity.

Requirements for sprinkler systems

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

- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed -
 - (a) in accordance with SABS 0287; and
 - (b) in compliance with the requirements of SABS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.

Requirements for extractor fan systems

12. (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner of a building in which such a system is installed must ensure that—
 - (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
 - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.

Requirements for emergency exits

13. (1) Every owner of a building must ensure that any escape door in that building—
 - (a) is fitted with hinges that open in the direction of escape; and
 - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route—
 - (a) is a double swing-type door;
 - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

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

14. (1) Subject to the requirements of any town planning scheme or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that-
- (a) at least one elevation of the building fronts onto a street;
 - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the Chief Fire Officer;
 - (c) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency -
 - (i) of dimensions at least 10 metres wide;
 - (ii) that runs the full length of the side elevation of the building that borders the surface; and
 - (iii) with a carrying capacity of at least 70 metric tons; and
 - (d) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purposes of easy identification by any member of the Service in an emergency, every owner or occupier of premises must ensure that the correct street number of the premises-
- (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high; and
 - (b) is visible from the street; and
 - (c) is maintained in a legible condition at all times.

Barricading of vacant buildings

15. Every owner or person in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Officer -
- (a) remove all combustible waste and refuse from the building; and
 - (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.

Part 3: Fire Fighting Equipment and Emergency Evacuation Plans**Installation and maintenance of fire-fighting equipment**

16. (1) Every owner of a building must ensure that—
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
 - (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SABS 0105 and SABS 1475;
 - (c) all fire-fighting equipment and service installations on the premises are -
 - (i) maintained in a good working condition by a competent person;
 - (ii) inspected and serviced in accordance with manufacturer specifications; and
 - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
 - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months.
- (2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must—
- (a) on completing the inspection, service or repairs, as the case may be -
 - (i) certify in writing that the equipment or installation concerned is fully functional; and
 - (ii) furnish that certificate to the owner of the premises; or
 - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the Chief Fire Officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

Chief Fire Officer may designate premises for emergency evacuation plans

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

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

Duties of owner or occupier of designated premises

18. (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 17 must -
- (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the Chief Fire Officer in triplicate within 30 days of service of the designation notice;
 - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or occupier to organise a fire protection programme and regular and scheduled fire evacuation drills;
 - (c) ensure that the emergency evacuation plan is reviewed-
 - (i) at least every 12 months;
 - (ii) whenever the floor layout of the premises is changed; and
 - (iii) whenever the Chief Fire Officer requires revision of the plan;
 - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and all times available in a control room on the premises for inspection by any member of the Service; and
 - (e) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The Chief Fire Officer may in respect of premises designated in terms of section 17 -
- (a) require the review of any emergency evacuation plan by the owner or occupier and may provide directions in this regard;
 - (b) instruct the owner or occupier to implement a fire protection program that the Chief Fire Officer believes is necessary to ensure the safety of persons and property on the premises; and
 - (c) require the owner or occupier to provide the Chief Fire Officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place. Part 4: Certificates of fitness for certain buildings.

Prohibition of public gatherings in certain circumstances

19. (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.

- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these By-laws, unless after that date –
- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
 - (b) ownership or control of the building or structure changes.

Application for certificate of fitness

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

Requirements for certificate of fitness

21. The Chief Fire Officer may not issue a certificate of fitness in respect of a building or temporary structure –
- (a) unless the Council is in possession of an up-to-date set of building plans for the premises;
 - (b) unless the building or temporary structure complies with the requirements of these By-laws; and
 - (c) for a period of validity exceeding 12 months.

Form and content of certificate of fitness

22. A certificate of fitness must be in the form determined by the Council and must at least record the following information, where applicable:
- (a) The trade name and street address of each occupier of the building or temporary structure;
 - (b) a description of the type of activity carried on by each occupier of the building or structure;
 - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
 - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
 - (e) the number of emergency exits and their dimensions; and
 - (f) the dates of issue and expiry of the certificate and its serial number.

Duties of holder of certificate of fitness

23. The holder of a certificate of fitness must -

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

Cancellation of certificate of fitness

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

- (a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
 - (b) the building or structure contravenes or does not comply with the requirements of these By-laws.
- (2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must -
- (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
 - (b) give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter; and
 - (c) consider any representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in subsection (2)(b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he or she must -
- (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
 - (b) provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and
 - (c) consider any representations received.

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

Part 5: Water supply for fire-fighting purposes

Township development water supply requirements

25. (1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of fire-fighting by members of the Service.
- (2) Every person who develops or redevelops a township must ensure that -
- (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in these By-laws;
 - (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
 - (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (3) Subsection (2)(c) is deemed to be satisfied, if -
- (a) the water is supplied to the township from more than one reservoir;
 - (b) each reservoir receives water from a separate supply main and pump; and
 - (c) the reservoirs are connected to each other.
- (4) Every person who develops or redevelops a township must ensure that -
- (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - (b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 28, the water reticulation system is adapted without delay so as to comply with the requirements of sections 26 and 27.

Township development fire-extinguishing stream requirements

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

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

Township development fire hydrant requirements

27. (1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

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

Fire risk categories

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

(a) as high risk –

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

(b) as moderate risk -

(i) any area in which –

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

- (ii) any area where the fire risk and spread risk of fire is moderate; and
 - (iii) any other area that is not a high or low risk area; and
- (c) as low risk –
- (i) any area that is mainly residential or semi-rural;
 - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
 - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

Connections to water reticulation system

29. (1) No person may obtain a water connection to the water reticulation system of the Council unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the Council must –
- (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
 - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SABS 0400 (Part W); and
 - (d) ensure that the water installation upon completion complies with the provisions of SABS-1:1994.

CHAPTER 3

CONTROL OF FIREWORKS

Use of fireworks prohibited in certain circumstances

30. (1) Unless so authorised in terms of section 33, no person may use fireworks –
- (a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;
 - (b) inside any building;
 - (c) on any agricultural holding;

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

Fireworks displays prohibited unless authorised

31. No person may present a fireworks display unless -
- (a) authorised to do so by the Council as contemplated in section 33;
 - (b) authorised to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
 - (c) the display is at all times under that person's supervision and control;
 - (d) the Service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;
 - (e) that person has ensured that -
 - (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
 - (f) a pyrotechnist is at all times present and responsible for the use of fireworks at the display.

Application to present fireworks display

32. (1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
- (a) Proof of permission for the fireworks display from the Civil Aviation Authority;
 - (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
 - (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
 - (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

Authority to present fireworks display

33. (1) If the Council decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons and property.
- (2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.

Dealing in fireworks

34. (1) No person may deal in fireworks unless -
- (a) that person holds the required fireworks licence in terms of the Explosives Act; and
 - (b) has the written authority of the Chief Fire Officer.
- (2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), must -
- (a) complete an application in the form and manner determined by the Council; and
 - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

CHAPTER 4**CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF
FLAMMABLE SUBSTANCES****Use, handling and storage of flammable substances prohibited in certain circumstances**

35. (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the Chief Fire Officer in respect of the flammable substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance -
- (a) is used, handled or stored in a manner that ensures that -
 - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
 - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
 - (b) is used, handled or stored -
 - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
 - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
 - (c) the flammable substance is stored in strong, gas-tight and labelled containers.

Application for certificate of registration for flammable substances

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

Issue of certificate of registration

37. (1) If the Chief Fire Officer issues a certificate of registration to any person, that Officer must endorse on the certificate -
- (a) the class and quantity of the flammable substance for which the premises have been registered;
 - (b) the number of storage tanks or storage facilities on the premises and their capacities;
 - (c) the number of flammable substance storerooms on the premises and their capacities;
 - (d) the number of liquified petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
 - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
 - (f) the period of validity and expiry date of the certificate; and
 - (g) the physical address of the premises and the name and postal address of the occupant.
- (2) A certificate of registration -
- (a) is not transferable between premises;
 - (b) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
 - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the Chief Fire Officer in writing.
- (3) A certificate of registration is valid only for -
- (a) the installation for which it was issued;
 - (b) the state of the premises at the time of issue; and
 - (c) for the quantities of flammable substance stated on the certificate.

Availability of certificate of registration at premises

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

Fire-fighting equipment

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

- (a) subject to the provisions of subsection (6), portable fire extinguishers –
 - (i) as specified in SABS 1567 (carbon dioxide-type), SABS 810 (dry chemical-type), SABS 1573 (foam-type) and SABS 1571 (transportable-type);
 - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SABS codes applicable to the flammable substance and risk concerned;
 - (b) if applicable, hose reels as specified in SABS 453 (hose reels), that are connected to a water supply –
 - (i) as contemplated in SABS 0400 (Part W); and
 - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
 - (c) if applicable, fire hydrants –
 - (i) with couplings as specified in SABS 1128 (Part II) (fire-fighting equipment- couplings); and
 - (ii) in a ratio of at 1 to every 1000 square metres or part thereof. and
 - (d) if applicable, in relation to any above-ground facility, a sprinkler system or delute system that –
 - (i) is approved by the Chief Fire Officer; and
 - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the Chief Fire Officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he or she may -
- (a) specify the type of fire extinguisher to be installed;
 - (b) require that a greater number of fire extinguishers be installed; and
 - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorisation contemplated in these By-laws must ensure that all fire-fighting equipment contemplated in subsection (1) -
- (a) is inspected, maintained and serviced to the satisfaction of the Chief Fire Officer –
 - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SABS 1015 and SABS 1475;
 - (ii) at least every 12 months;

- (b) if installed outside the premises, is adequately protected from the weather; and
- (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign –
 - (i) in accordance with the specifications of SABS 1186; and
 - (ii) to the satisfaction of the Chief Fire Officer.

Amendment to certificate of registration

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

Cancellation of certificate of registration

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

Renewal of certificate of registration

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

No authorisation required for certain motor vehicle fuel tanks

43. No certificate of registration contemplated in section 35 or any other authorisation contemplated in these by-laws is required in respect of flammable liquids in a fuel tank -
- (a) of any motor vehicle; and
 - (b) of any stationary engine if the volume of the fuel tank does not exceed 1 000 litres.

Record of certificates of registration

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

CHAPTER 5

GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

General prohibitions regarding use, handling and storage of flammable substances

45. (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may -
- (a) do anything or allow anything to be done that may result in or cause a fire or explosion;

- (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- (2) No person may –
- (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
 - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of these By-laws;
 - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
 - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
 - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus –
 - (i) fill or allow the filling of its fuel tank; or
 - (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
 - (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

Use, handling and storage of liquefied petroleum gas

46. (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –
- (a) the person is in possession of a certificate of registration contemplated in section 35; and
 - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SABS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SABS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SABS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned .

- (6) The Chief Fire Officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms fo subsection (6).

Display of symbolic warning signs required

47. (1) The owner of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –
 - (a) prohibiting smoking and open flames;
 - (b) of a size and number determined by the Chief Fire Officer; and
 - (c) prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

Duty to report fires, accidents and dumping

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

CHAPTER 6

STORAGE OF FLAMMABLE SUBSTANCES

Storage of flammable substances prohibited in certain circumstances

49. No person may store or allow the storage of any flammable substance in any storeroom unless –
 - (a) that person has a certificate of registration contemplated in section 35; and
 - (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

Symbolic safety signs must be displayed

50. The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that-
- (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom –
 - (i) of a number determined by the Chief Fire Officer;
 - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
 - (iii) manufactured in accordance with SABS 1186;
 - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.

Construction of flammable substance storerooms

51. Every storeroom must be designed and constructed according to the following criteria:
- (a) The storeroom floor must consist of concrete;
 - (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - (c) the storeroom roof must consist of –
 - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
 - (ii) any other non-combustible material, if the storeroom -
 - (aa) boundary of the premises; or
 - (bb) adjoins a higher wall with no opening within 10 metres is not situated within 5 metres of any adjacent building or above and 5 metres on either side of the storeroom.

Requirements for storeroom doors

52. (1) Every storeroom must be equipped with a fire rated fire door that -
- (a) is manufactured and installed in accordance with SABS 1253;
 - (b) opens to the outside;
 - (c) is equipped with a lock or locks approved by the Chief Fire Officer; and
 - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.

- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on –
 - (a) external walls, be "B" class fire doors; and
 - (b) internal walls in communication within a building, be "D" class fire doors.

Requirements for storeroom windows

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

Requirements for storeroom catch pits

54. (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit -
 - (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
 - (b) if required by the Chief Fire Officer –
 - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
 - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- (2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.

Ventilation of storerooms

55. (1) Every storeroom must be designed and constructed to ensure -
 - (a) the effective ventilation of flammable substance fumes;
 - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.

- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –
- (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
 - (b) that are provided in at least 3 external walls of the storeroom; and
 - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –
- (a) designed and installed for this purpose;
 - (b) with a flow rate of 0,5 meters / second across the store;
 - (c) with vanes that consist of a static-free material;
 - (d) that discharges through a vertical metal duct into the open air –
 - (i) not situated within 5 metres of any opening of a building or erf boundary; and
 - (ii) terminating at least 1 metre above roof height or at least 3.6 meters above ground level, whichever is the greater;
 - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
 - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
 - (g) equipped with ducting material that –
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Electrical equipment in storerooms

56. (1) The owner or person in charge of any storeroom must ensure that -
- (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SABS 0108;

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

Foam inlets required for certain storerooms

57. The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure -
- (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
 - (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inlet".

Shelving in storerooms

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

Unauthorised use and entry of storerooms prohibited

59. No person may –
- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any storeroom;
 - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;

- (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
- (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

Mixing and decanting rooms

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

Temporary above ground storage of flammable substances

61. (1) Any person who wishes to store any flammable substance on premises on a temporary basis, must apply to the Chief Fire Officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the Chief Fire Officer -
- (a) for a period not exceeding 12 months;
 - (b) if the flammable substance concerned is required -
 - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
 - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
 - (iii) the application complies with the requirements of SABS 0131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that -
- (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
 - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;
 - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
 - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
 - (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.

Hand tools must be intrinsically safe

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

Permanent above ground storage tanks for flammable liquids

63. (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –
- (a) that the tank is erected or installed –
 - (i) in accordance with SABS 0131 and SABS 089, Part 1;
 - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
 - (b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SABS 0232, Part 1.
- (2) Any electrical installation associated with the storage tank must comply with SABS 0108 and SABS 089, Part 2.

Underground storage tanks for flammable liquids

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

Installing, erecting, removing and demolishing prohibited without prior notice

65. (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the Chief Fire Officer at least three working days prior written notice of the intention to do so, in the form and manner determined by the Council.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of subsection (1) do not apply to –
- (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
 - (b) the necessary replacement of equipment or their parts; and
 - (c) the replacement of any storage tank with a tank of the same capacity.

Repair and maintenance of access to storage tanks

66. No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance -
- (a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SABS 089 (Part I); or
 - (b) unless that person -
 - (i) is wearing an effective self-supporting breathing apparatus; and
 - (ii) is attached to a rescue rope under the control of a competent and responsible person.

Termination of storage and use of flammable substances

67. (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -
- (a) notify the Chief Fire Officer in writing within seven days of such storage or use ceasing;
 - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
 - (c) unless the Chief Fire Officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
 - (d) to the satisfaction of the Council, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the Chief Fire Officer, fill the underground tank with liquid cement slurry.

Container handling and storage

68. (1) Every flammable substance container must -
- (a) be kept closed when not in use;
 - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.

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

CHAPTER 7

TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS

Transport of dangerous goods prohibited without permits

69. The owner of any vehicle used for transporting dangerous goods, must -
 - (a) be in possession of a valid transport permit issued by the Chief Fire Officer in accordance with the National Road Traffic Act; and
 - (b) ensure that the transport permit is available in the vehicle for inspection at all times.

Application for transport permits

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

Requirements of transport permits**71. A transport permit -**

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

Cancellation of transport permit

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

Exemption from transport permits

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

Design, construction, maintenance and repair of road tankers

74. Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -
- (a) comply with the provisions of SABS 0189, SABS 1398, SABS 0233, SABS 087, Part 6 SABS 089, Part 1, SABS 0230 and SABS 1518, as the case may be; and
 - (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SABS 0232 and any applicable law.

Design, construction, maintenance and repair of other vehicles

75. Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle -
- (a) is designed and constructed –
 - (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;

- (b) is equipped with –
 - (i) a safety edge or safety railing -
 - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
 - (bb) capable of securing dangerous goods containers;
 - (ii) strong and durable straps -
 - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle;
 - (bb) that are anchored firmly to the bodywork of the vehicle; and
 - (cc) that are fitted with a reversible cog winch mechanism that can be locked;
 - (iii) electrical wiring that complies with SABS 314;
 - (iv) at least 2 static-free wheel blocks;
 - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
 - (vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

General prohibitions regarding transport of dangerous goods

76. (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless –
- (a) the vehicle has a valid roadworthy certificate;
 - (b) if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers -
 - (i) designed and manufactured in accordance with SABS 810 and maintained in accordance with SABS 0105 and SABS 1475; and
 - (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- (2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

Supply of dangerous goods prohibited in certain circumstances

77. (1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 35.
- (2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
- (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- (4) Every person who delivers dangerous goods must ensure that -
- (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - (c) while delivering -
 - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
 - (ii) the delivery vehicle is not parked on or across a pavement or a road;
 - (iii) no delivery hose lies on or across a pavement, road or other premises;
 - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 6 and the provisions of SABS 0263;
 - (e) any device connected with, or used for, the delivery of the dangerous goods -
 - (i) is designed for its purpose; and
 - (ii) is maintained in safe and good working condition; and
 - (f) no dangerous goods are spilled during delivery.
- (5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
- (6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

Records of transport permits

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

CHAPTER 8**SPRAY PAINTING****Spraying prohibited without spraying permit**

79. (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -
- (a) that person is in possession of a spraying permit contemplated in section 80;
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

80. Any person who wishes to obtain a spraying permit must -
- (a) complete and submit to the Chief Fire Officer an application form for such permit in the form and manner determined by the Council; and
 - (b) pay the prescribed fee.

Cancellation of spraying permit

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

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

82. Every owner, occupier and person in charge of a spraying room must ensure that -
- (a) the spraying room complies with the requirements of this Chapter; and
 - (b) every other person on the premises complies with the provisions of this Chapter.

Design and construction of spraying rooms

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

- (a) every window frame must consist of steel with window panels -
 - (i) that cannot be opened;
 - (ii) that do not exceed 450 millimetres x 450 millimetres in size; and
 - (iii) that are fitted with wire glass with a thickness not less than 8 millimetres;
- (b) if based on a brick and concrete construction -
 - (i) the floor must consist of concrete;
 - (ii) the walls must consist of brick or concrete;
 - (iii) the roof must consist of reinforced concrete; and
 - (iv) every door must consist of a Class B-type fire doors as contemplated in SABS 1253; and
- (c) if based on a metal structure -
 - (i) the framework of the structure, including door assemblies must consist of a sturdy steel profile with a minimum wall thickness of 2.5 millimetres;
 - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1.3 millimetres;
 - (iii) the framework of the entire structure must be fume-proof, flame-proof and liquid-proof;
 - (iv) the floor must consist of concrete or metal;
 - (v) all material used must have a fire integrity grading of at least 60 minutes; and
 - (vi) the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

Water floors for spraying rooms

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

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

Electrical equipment in spraying rooms

85. (1) Any electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SABS 0108.
- (2) Any switch gear, distribution boxes, fuse and other electrical equipment, except equipment as contemplated in SABS 0108 must -
- (a) be located outside the spraying room; and
 - (b) be positioned so as not to come into contact with fumes from the spraying room.
- (3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.
- (4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.
- (5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must -
- (a) certify in writing that the installation complies with all applicable legal requirements; and
 - (b) furnish the certificate to the owner or person responsible for the premises concerned.
- (6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

Location of spraying rooms

86. (1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned -
- (a) of at least 1200 millimetres wide; and
 - (b) that must at all times be kept free of any obstruction, refuse or combustible material.
- (2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall -
- (a) of a height at least 300 millimetres higher than the roof of the spraying room; and
 - (b) with a fire resistance of at least 60 minutes.

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

Access to spraying rooms

87. In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that –
- (a) open to the outside of the spraying room;
 - (b) have dimensions of at least 800 millimetres wide x 2000 millimetres high;
 - (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 metres; and
 - (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation of spraying rooms

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

Fire dampers, protectors and alarms in spraying rooms

89. (1) A fire damper manufactured and installed in accordance with SABS 193, must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.
- (2) The fire damper must –
- (a) be capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C in the predetermined working temperature inside the spraying room;
 - (b) be installed so that it will remain in position even if the air duct distorts during a fire; and
 - (c) be equipped with an overriding fusible link.

- (3) The ventilation system must be equipped with a sensor that -
- (a) is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
 - (b) activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and positioning of ventilation outlets for spraying rooms

90. Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -
- (a) 1 metre above any roof on the premises;
 - (b) 4 metres above the ground level; and
 - (c) 5 metres from any opening of a building situated on or adjacent to the spraying room.

Display of signs on spraying rooms

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

Manifold installations in spraying rooms

92. Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must -
- (a) comply with SABS 087 (Part 1); and
 - (b) the requirements of these By-laws.

General prohibitions regarding spraying rooms

93. No person may -
- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 91;
 - (b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;
 - (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
 - (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or

- (e) place any obstruction of hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying rooms

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

CHAPTER 9

FIRE BRIGADE SERVICES

Establishment and maintenance of Service

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

Objects of Service

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

Services to other persons

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

Instructions by members of Service

98. (1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction -
- (a) for the immediate evacuation of any premises;
 - (b) to close any premises until such time as any contravention of these By-laws has been rectified;
 - (c) to cease any activity;
 - (d) to remove any immediate threat to the safety of any person or property;
 - (e) to take specified steps to comply with these By-laws, either immediately or within a specified period; and
 - (f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these By-laws.

Pretending to be member of Service prohibited

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

Certificates to identify members of Service

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

- (2) A member, while performing any function or exercising any power under these By-laws must –
- (a) keep the certificate provided in terms of subsection (1), on his or her person; and
 - (b) produce it for inspection on request by any person.

Cost of analysis samples

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

CHAPTER 10

MISCELLANEOUS

Handling of animals during emergencies

102. (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.
- (3) The Council may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or occupier of the premises concerned.

Exemption from provisions of these by-laws

103. (1) Any person may make application to the Council in writing, for an exemption from any provision of these By-laws, specifying the reasons for exemption in such application.
- (2) The Council may grant an exemption –
- (a) in general or in particular;
 - (b) for any period; and
 - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of these By-laws.
- (3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.

- (4) The Council may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

Approval, authorisation or permission under these by-laws

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

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

Cancellation of approval, authorisation or permission

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

By-laws bind State

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

Offences and penalties

107. Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws;
- (b) fails to comply with any notice issued or displayed in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders, or improperly influences or attempts to do so, any authorised representative or employee of the Council in the execution of his or her duties or performance of his or her powers or functions under these By-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of by-laws

108. The by-laws listed in Schedule 5 are hereby repealed.

Short title

109. These By-laws are called the Emergency Services By-Laws, 2003.

SCHEDULE 1**GUIDELINE FOR EMERGENCY EVACUATION PLANS****Content of emergency evacuation plans**

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

(1) Emergency telephone numbers

A list of all relevant emergency telephone numbers.

(2) General information

- (a) the physical address of the premises;
- (b) a description of the activities on the premises;
- (c) the number of persons present on the premises at any time;
- (d) an indication of any control room on the premises;
- (e) an indication of any alarm system on the premises; and
- (f) the particulars and contact details of every responsible person in the event of an emergency;

(3) Area study

An area study addressing the following:

- (a) a history of emergency incidents on the premises;
- (b) any important and relevant features or landmarks regarding the premises; and
- (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

(4) Socio-economic or other threats

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

(5) Details of available equipment

Particulars and details regarding the position of the following equipment:

- (a) Equipment in the control room;
- (b) fire fighting and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

(6) The emergency team

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

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

(7) Duties of emergency team members

The duties and responsibilities of members of the emergency team.

(8) Action plans and emergency procedures

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

(9) Building plans and maps

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

(10) Emergency plan register

The plan must include -

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

Review of emergency evacuation plans

2. (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- (2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

Emergency evacuation drills

3. (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.

- (2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

Emergency evacuation awareness

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

Training of persons

5. Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in -
- (a) first aid or fire fighting;
 - (b) emergency aid;
 - (c) emergency evacuation procedures; and
 - (d) emergency management techniques.

SCHEDULE 2

EXEMPTION FROM CERTIFICATE OF REGISTRATION

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

GASES		
Class O	Liquefied petroleum gas	Flat- Total cylinder capacity may not exceed 9 kg per flat Houses or commercial premises- Total maximum of 19 kg inside and total maximum of 100 kg on premises Industrial premises- Maximum of 19 kg per 600 m ³ of building space with a total maximum of 100 kg
FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60.5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60.5°C or above but below 93°C	

SCHEDULE 3

EXEMPTION FROM TRANSPORT PERMIT

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

GROUP	DESCRIPTION	QUANTITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1100 litres
	With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres
IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kg
V	OXIDISING AGENTS AND ORGANIC PEROXIDES	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in packets	Total quantity may not exceed 200 kilograms
VI	TOXIC / INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
VIII	CORROSIVE / CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms

	Group III alkaline substances in packets	Total quantity may not exceed 1000 kilograms
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210 kilograms

SCHEDULE 4

SABS CODES OF PRACTICE AND SPECIFICATIONS

SABS Code	Title
SABS 019	Portable metal containers for compressed gas - basic design, manufacture, use and maintenance.
SABS 087 : Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500/ and a combined water capacity not exceeding 3000/ per installation.
SABS 087 : Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000/.
SABS 087 : Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087 : Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089 : Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089 : Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector.
SABS 0105 : Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177 : Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods: Inspection requirements

SABS Code	Title
	of road vehicles.
SABS 0232 : Part 1	Transportation of dangerous goods - Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0263	The warehousing of dangerous goods, enclosed storage and covered and uncovered outdoor storage yards.
SABS 0400	The application of the National Building Regulations.
SABS 1186 : Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475 : Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods - Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers - Foam type extinguishers.

SCHEDULE 5

REPEALED BY-LAWS

Number and Year	Name of By-laws	Extent of Repeal
Administrator's Notice 394 dated 27 May 1953	Johannesburg Municipality: Flammable Liquids and Substances By-laws (Chapter 13 of the By-laws and Regulations relating to Licences and Business Control - see Administrator's Notice 1034 dated 4 August 1982)	Whole
Administrator's Notice 616 dated April 1975	Sandton Municipality: By-laws relating to the storage, use and handling of Flammable Liquids and Substances	Whole
Administrator's Notice 709 dated 2 June 1976	Randburg Municipality: By-laws relating to the storage, use and handling of Flammable Liquids and Substances	Whole
Reference to Administrator's Notice unknown	Roodepoort Municipality: By-laws relating to the storage, use and handling of Flammable Liquids and Substances	Whole
Reference to Administrator's Notice unknown	Midrand Municipality: By-laws relating to the storage, use and handling of Flammable Liquids and Substances	Whole

Administrator's Notice 1385 dated 15 August 1984	Standard By-laws relating to Fire Brigade Services as applied in the dissolved Johannesburg Municipality	Whole
Administrator's Notice 1807 dated 26 October 1983	Standard By-laws relating to Fire Brigade Services as applied in the dissolved Sandton Municipality	Whole
Administrator's Notice 1186 dated 25 August 1982	Standard By-laws relating to Fire Brigade Services as applied in the dissolved Randburg Municipality	Whole
Administrator's Notice 1230 dated 1 September 1982	Standard By-laws relating to Fire Brigade Services as applied in the dissolved Roodepoort Municipality	Whole
Administrator's Notice 1771 dated 23 December 1981	Standard By-laws relating to Fire Brigade Services as applied in the dissolved Midrand Municipality	Whole
Local Authority Notice 2611 dated 28 October 1998	Control of Fireworks By-laws as applied in the municipality of the former Eastern Metropolitan Local Council of Greater Johannesburg	Whole
Local Authority Notice 2693 dated 4 November 1998	By-laws Regarding the Use Of Fireworks in Residential Areas as applied in the municipality of the former Northern Metropolitan Local Council of Greater Johannesburg	Whole
Notice 7627 dated 24 November 1999	Prohibition and Control over the Discharge of Fireworks by-laws as applied in the municipality of the former Western Metropolitan Local Council of Greater Johannesburg	Whole

NOTICE 827 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****ENCROACHMENT ON PROPERTY BY-LAWS**

The Municipal Manager of the City of Johannesburg metropolitan Municipality hereby, in terms of Section 13(a) of the Local government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Encroachment on Property By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**ENCROACHMENT ON PROPERTY BY-LAWS****TABLE OF CONTENTS**

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 8. Pavement openings
 9. Maintenance, removal and tenancy of projections
 10. Paving of footways or pavements under or in front of encroachment
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 12. Offences and penalties
 13. Repeal of by-laws
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- Schedule 1: Repealed By-Laws

Definitions

1. (1) In these By-laws, any word or expression which has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), has that meaning and, unless the context otherwise indicates –

“Council” means –

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No 32 of 2000) or any other law, as the case may be;

"encroachment" means any physical object which intrudes on or over municipal property, or property which the Council has control over or other property in respect of which a servitude or other property right has been registered in favour of the Council;

"m" means metre;

"mm" means millimetre;

"prescribed" means determined by resolution of the Council made from time to time;

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

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

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

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Council permission required

2. (1) No person may, without prior written permission of the Council, make or construct any colonnade, veranda, balcony, bay window, pavement light, showcase or other encroachment on or over any part of a public road, and pavement opening in or under any public road.
- (2) The Council may refuse the permission required in terms of subsection (1) or may grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the work or service determined by the Council in each case and subject to payment of the prescribed fee.
- (3) The prescribed fee mentioned in subsection (2) is payable in advance at the beginning of each year which is calculated from date of the written permission or the date determined by the Council, and the owner of the encroachment is liable for the payment of the prescribed fee for each encroachment.
- (4) The owner of an encroachment must within 90 days after the date of commencement of these By-laws notify the Council in writing of -
 - (a) the existence of the encroachment; and
 - (b) the horizontal dimension of every encroachment measured - parallel to the road boundary on or over which the encroachment exists.
- (5) Until the Council is notified of the horizontal dimension of the encroachment in terms of subsection (4)(b), every encroachment relating to a building is deemed to have an aggregate horizontal dimension equal to the total road frontage on or over which the encroachment exists, of the property on which the building concerned is situated.

Rules for the construction of encroachments

3. (1) The design, arrangement and construction of a veranda, balcony, bay window or other encroachment on or over a public road, as well as the paving, kerb and gutter thereof must be to the satisfaction of and to the levels approved by the Council.
- (2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

Columns

4. (1) The Council may determine areas within the municipal area where no person is permitted to place veranda columns over any public road or pavement.
- (2) No person is permitted to place any veranda column over any pavement where such pavement is less than 2,6 m wide.

- (3) No person may place any veranda column more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre.
- (4) No person may place any veranda column over any pavement at the corner of a public road that is beyond the alignment of the building lines.
- (5) No person may place a portion of any veranda column at a distance less than 600 mm back from the front edge of any kerb.
- (6) No person may place a twin or double veranda column over any public road or pavement.
- (7) If a veranda is supported on columns, the columns may not have square arris, no base may project more than 50 mm beyond the bottom diameter of the column and the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (8) If the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (9) No column, including cap and base, may be less than 3 m or more than 3,6 m in height and more than 4,5 m including plinth.
- (10) No person may, without the prior written permission of the Council place a column on a public road where the footway or sidewalk is, or is likely to be occupied by any cable, pipe or other municipal service.
- (11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (12) Plain piping or tubing may not be used for any column for a veranda and balcony over or on a public road unless architecturally treated for aesthetic purposes.
- (13) The coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (14) Nothing in these By-laws prohibits –
 - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are complied with.

Balconies and bay windows

5. (1) No balcony, bay window or encroachment may overhang a public road if it is at a height of less than 3 m above the pavement.
- (2) No balcony may encroach more than 1,35 m over any public road.
- (3) No bay window may encroach more than 900 mm over any public road.
- (4) The aggregate horizontal length of a bay window at any level over a public road may not exceed one-third of the length of the building frontage on to that road.
- (5) Any balcony superimposed upon a veranda must be set back at least 1,2 m from the line of such veranda.
- (6) No part of a balcony which is attached to any veranda may be carried up to a height greater than two storeys above the pavement level except that, if the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
- (7) No dividing wall across a balcony over a public road may exceed 1 m in height or 225 mm in thickness.
- (8) A balcony over any public road may not be the sole means of access to any room or apartment.
- (9) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
- (10) If any floor of a building is used solely for the parking of motor vehicles, no bay window at the level of the floor may project over any public road for more than 1,35 m for the full length of the building frontage on to that road.

Plinths, pilasters, corbels and cornices

6. (1) No plinth, pilaster or other encroachment beyond a building line carried up from ground level is permitted to encroach on a public road.
- (2) Any pilaster, cornice, corbel or similar architectural feature which is at least 3 m above the ground may not exceed the following encroachment over a public road:
- (a) A pilaster : 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and any bay window in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

- (b) a fire-resisting ornamental hood or pediment over a door : 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
- (c) a cornice : 1,05 m if not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

Verandas around corners

- 7. If a veranda is built around a corner of a public road it must be properly splayed or rounded to follow the curve of the kerb.

Pavement openings

- 8. (1) No pavement opening may be the sole means of access to any vault or cellar.
- (2) No pavement opening on any public road may extend more than 1,2 m beyond the building line.
- (3) If flaps are permitted in a pavement opening, no flap may exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guardrails and stanchions.
- (4) A flap opening may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
- (5) The front wall or wall parallel to the kerb in every pavement opening must be built with a suitable batter to the satisfaction of the Council.
- (6) No pavement opening may be covered with a metal bar grating or with a metal plate or with wood.

Maintenance, removal and tenancy of projections

- 9. (1) The owner of any encroachment must maintain the encroachment in good order and repair.
- (2) Any pavement opening, pavement light, wall thereof and basement wall must be made and kept water-tight by the owner.

Encroachment erected in front of building

- 10. If any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –
 - (a) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
 - (b) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

Encroachments

11. (1) (a) Any person wishing to erect or construct an encroachment on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form prescribed by the Council for that purpose.
- (b) If, in the opinion of the Building Control Officer, drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.
- (2) The owner of any encroachment or fixture, whether in the course of construction or erection or completed, on, under or over any public road, is regarded as a tenant in respect of the encroachment and, if notified in writing by the Council under the hand of the Building Control Officer to remove any such encroachment or fixture, must do so within a reasonable period stated in the notice.
- (3) The owner of the building in connection with which any encroachment exists, or is proposed –
- (a) must defray any cost incurred in connection with wires or property of the Council;
- (b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities of the Council.

Offences and penalties

12. Any person who –
- (a) contravenes or fails to comply with any provision of these By-laws
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal of by-laws

13. The By-laws listed in Schedule 1 are hereby repealed.

Short title

14. These By-laws are called the Encroachment on Property By-laws, 2003.

SCHEDULE 1**REPEALED BY-LAWS**

The following by-laws are hereby repealed:

Number and year	Name of By-laws	Extent of repeal
Local Authority Notice 4081 of 14 November 1990	City of Johannesburg By-laws relating to Projections from Building, Verandahs, Balconies, Signs and Pavement Lights	Whole

NOTICE 828 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****METERED TAXI, MINIBUS, MIDIBUS AND BUS BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Metered Taxi, Minibus, Midibus and Bus By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 89 of 1996), as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**METERED TAXI, MINIBUS, MIDIBUS AND BUS BY-LAWS****TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION**

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SCHEDULE 1

REPEALED BY-LAWS

CHAPTER 1

INTERPRETATION

Definitions

1. (1) In these By-laws, any word or expression that has been defined in the Gauteng Public Passenger Road Transport Act, 2001 (Act No. 7 of 2001) has that meaning and, unless the context otherwise indicates –

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

“Council” means –

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

“Johannesburg Metropolitan Police Department” means the municipal police department of the Council established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995);

“lift club” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or other persons designated by such members, to or from specified places for a specific purpose;

“Medical Officer of Health” means a person appointed as such under section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977);

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

"public road" means a public road as defined in the National Road Traffic Act, 1996;

"queue marshal" means a person designated by a taxi association to regulate minibus taxi-type services; and

"rank" means a facility set aside by the Council for use by public passenger road transport;

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2

Driver to take shortest route

2. (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger.
- (2) A metered taxi driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3. (1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.
- (2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger arrange for transport to get to his or her destination.

Operation of taximeter

4. (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.
- (2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.

- (3) The owner of a metered taxi must ensure that the provisions of subsections (1) and (2) and the minimum or maximum fare as determined in terms of section 8(2) of the Gauteng Public Passenger Road Transport Act, 2001, if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

CHAPTER 3

BUSES

Stopping places

5. No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4

GENERAL

Parking of metered taxi, minibus, midibus or bus

8. No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

Parking at places of entertainment or funeral

9. Notwithstanding the provision of section 8 of these By-laws, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

Engagement of passengers

10. (1) No driver of a metered taxi, minibus, midibus or bus, or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.
- (2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.
- (3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or sounding device to attract the custom of potential passengers or customers.

Failing or refusing to pay or attempting to evade payment of the fare due

11. No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

Furnishing of name and address by person conveyed in or on metered taxi, minibus, midibus or bus

12. Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

Conveyance of filthy or diseased persons

13. (1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry -
- (a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or
 - (b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.
- (2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibus, midibus or bus.
- (3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

Disinfection of metered taxi, minibus, midibus or bus

14. (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that -
- (a) any person suffering from a contagious disease; or

- (b) the body of any person who has died of such disease; or
- (c) anything which has been exposed to or contaminated with such disease,

has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health.

- (2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Medical Officer of Health with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

Driver's right to refuse to convey passengers

- 15. (1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.
- (2) No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

Property left in metered taxi, minibus, midibus or bus

- 16. (1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must –
 - (a) if he or she belongs to a taxi association, take such property to the nearest office of such association;
 - (b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or
 - (c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Johannesburg Metropolitan Police Department,

and obtain a receipt from the person with whom the property is deposited, or the officer on duty at the Johannesburg Metropolitan Police Department, as the case may be.

- (2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the Metropolitan Police department, and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

Possession of dangerous or offensive articles

17. (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.
- (2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or a municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.
- (3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.
- (4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

Cleanliness

18. The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

Queue marshal

19. (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.
- (3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

Clean vehicle

20. The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

Offences and penalties

21. Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice issued in terms of these By-laws;

- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requiring the discontinuance of such offence.

Repeal of by-laws

22. The by-laws listed in Schedule 1 are hereby repealed.

Short title

23. These By-laws are called the Metered Taxi, Minibus, Midibus and Bus By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of repeal
Administrator's Notice No 259 of 5 April 1950	City of Johannesburg Transport By-laws	Whole
Administrator's Notice No 697 of 27 August 1952	Municipality of Roodepoort – Maraisburg Bus By-laws	Whole
Administrator's Notice No 477 of 18 March 1987	Midrand Municipality By-laws relating to the Allocation and Regulation of Taxi stands	Whole

NOTICE 829 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****PARKING GROUNDS BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Parking Grounds By-laws for the City of Johannesburg Metropolitan Municipality as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act No. 89 of 1996), as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**PARKING GROUNDS BY-LAWS****TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION**

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SCHEDULE 1**REPEALED BY-LAWS**

CHAPTER 1**INTERPRETATION****Definitions**

1. (1) In these By-laws, any word or expression which has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), or the Gauteng Provincial Road Traffic Act, 1997 (Act No. 10 of 1997), has that meaning and, unless the context otherwise indicates -

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

"Council" means -

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

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these By-laws, demarcated as such upon the surface of a parking ground or a floor thereof;

"parking ground" means any area of land or any building set aside by the Council as a parking ground or garage for the parking of vehicles by members of the public, whether or not a prescribed fee has been determined for the use thereof;

"parking meter parking ground" means a parking ground or any part thereof where parking is controlled by means of parking meters;

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

"parking period" means that period, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking ground or parking bay or as indicated by a road traffic sign;

"pay and display machine" means a machine installed at a pay and display parking ground for the sale of tickets on which the following are reflected:

- (a) The date or day of issue of the ticket
- (b) the amount paid for the ticket;
- (c) the departure time; and
- (d) the machine code number.

"pay and display parking ground" means a parking ground, or any part thereof where a notice is erected by the Council at the entrance thereof indicating that the parking ground concerned or part thereof is a pay and display parking ground;

"pound" means an area of land or place set aside by the Council for the custody of vehicles removed from a parking ground in terms of these By-laws;

"prescribed" means determined by resolution of the Council from time to time and published by notice in the Provincial Gazette;

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

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Parking fees

- 2. Any person making use of a parking ground or parking bay in a parking ground must pay the prescribed fee.

CHAPTER 2

TICKET-CONTROLLED PARKING GROUNDS

Conditions of parking in ticket-controlled parking grounds

- 3. (1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a parking ground, wherein parking is controlled by the issue of tickets

- (a) except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
 - (b) after an authorised official has indicated to the person that the parking ground is full; or
 - (c) after the expiry of the parking period.
- (2) No person may remove or cause or permit the removal of any vehicle from a parking ground unless -
- (a) that person has produced to the authorised official a ticket authorising him or her to park in the parking ground and which was issued to that person upon entering or leaving the parking ground; and
 - (b) that person has upon entering or leaving the parking ground paid the prescribed fee to the authorised official.
- (3) If a person fails to produce a ticket authorising him or her to park in a parking ground, that person is deemed to have parked the vehicle from the beginning of a period as prescribed and indicated on a notice board in the parking ground until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.
- (4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking ground until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.
- (5) An authorised official may require a person referred to in subsection (4), to furnish prescribed security.
- (6) If a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

Mechanical parking grounds

4. (1) If the actual parking of a vehicle in a parking ground is effected wholly or partly by means of a mechanical device, an authorised official may, if a parking bay is available, issue to a person who wants to park a vehicle at the parking ground, a ticket in terms of which the Council authorises the parking of the vehicle in that parking ground.
- (2) No vehicle parked in a parking ground referred to in subsection (1), may be removed by any person unless -
- (a) payment of the prescribed fee has been made to an authorised official; and
 - (b) that person has produced to an authorised official the ticket issued to him or her in terms of subsection (1) or, failing the production of such ticket, the provisions of section 3(4) applies, read with the necessary changes.

- (3) No person who has caused a vehicle to be parked in a parking ground referred to in subsection (1), may allow it to remain therein after expiry of the parking period.

Monthly tickets

5. (1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking ground controlled by the issue of tickets, issue at a prescribed fee a ticket which entitles the holder to park a vehicle in that ground for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.
- (2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking ground specified in the ticket, if a parking bay is available in the parking ground.
- (3) A ticket issued in terms of subsection (1) or (2), may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.
- (4) A ticket issued in terms of subsection (1) or (2), must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

Vehicles of excessive size

6. Unless a road traffic sign displayed at the entrance to a parking ground indicates otherwise, no vehicle which together with any load, exceeds 5 m in length, may be parked in a parking ground.

CHAPTER 3

PARKING METER PARKING GROUNDS

Place of parking

7. No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking ground otherwise than in a parking bay.

Conditions of parking

8. (1) No person may park a vehicle or cause any vehicle to be parked in a parking bay in a parking meter parking ground unless a coin or other prescribed object is forthwith inserted -

- (a) into the meter allocated to that parking bay; or
- (b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto;

and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

- (2) Notwithstanding the provisions of subsection (1) -
 - (a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
 - (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, subject to the provisions of subsection (6), entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object.
- (3) The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.
- (4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.
- (5) Subject to the provisions of subsection (6), no person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.
- (6) If the Council displays a sign specifying a maximum period for continuous parking in a parking bay, which differs from that on the parking meter for that parking bay, any person may, subject to the provisions of subsections (1) and (4), park a vehicle in that bay for the maximum period so specified or for any shorter period.

Prohibitions relating to parking meters

9. No person may –

- (a) insert or attempt to insert into a parking meter a coin or object except

- (i) a coin of South African currency of a denomination as prescribed; or
 - (ii) an object which is prescribed as another method of payment as contemplated in section 8(1);
- (b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;
 - (c) tamper with, damage, deface or obscure a parking meter;
 - (d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
 - (e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or
 - (f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

Proof of time

10. The passage of time as recorded by a parking meter is for the purpose of these By-laws and in any proceedings arising from the enforcement of these By-laws, deemed to be correct and may constitute evidence on the face of it of the time that the vehicle has been parked in a parking bay unless the contrary is proved.

CHAPTER 4

PAY AND DISPLAY PARKING GROUNDS

Parking

11. (1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay and display parking ground unless immediately upon entering the parking ground -
- (a) the person purchases a ticket issued by means of a pay and display machine in that parking ground in accordance with the instructions displayed on, or within a distance of not more than 1,5 m of such machine; and
 - (b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.
- (2) (a) The period during which a vehicle may be parked in a pay and display parking ground and the coin or other prescribed object to be inserted in respect of that period into the pay and display machine, must be indicated on such machine.
- (b) No person may allow a vehicle to remain in a pay and display parking ground after the expiry of the departure time indicated on the ticket.

Prohibitions relating to pay and display machines**12. No person may –**

- (a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;
- (b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

Proof of date and time of departure

13. The date or day and time of departure as recorded by a pay and display machine is taken on the face of it to be correct evidence of date or day and time, unless the contrary is proved.

CHAPTER 5**MISCELLANEOUS****Closure of parking grounds**

14. Notwithstanding anything to the contrary contained in these By-laws, the Council may at any time close any parking ground or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the closed parking ground or portion, as the case may be.

Defective vehicles

15. No person may park or cause or permit any vehicle to be parked or to be or remain in any parking ground which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking ground, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

Parking of a vehicle in parking ground

16. No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996, to be parked or to be or remain in any parking ground.

Cleaning and repair of vehicle

17. No person may in any parking ground clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

Parking according to instruction

18. No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

Tampering with vehicles and obstructions

19. (1) No person may in any parking ground without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.
- (2) No person may in any parking ground -
- (a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or
 - (b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

Parking after parking period

20. No person may park a vehicle or cause or permit it to be parked in any parking ground before the beginning or after the expiry of the parking period prescribed for the parking ground unless that person is the holder of a ticket issued in terms of these By-laws authorising him or her to do so.

Forging or defacing tickets

21. No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws.

Persons prohibited from being in parking grounds

22. No person may enter or be in a parking ground otherwise than for the purpose of parking a vehicle therein or lawfully removing it therefrom unless authorised thereto by the Council.

Abandoned vehicles

23. (1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than 14 days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer to the Council's pound.

- (2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of 90 days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.
- (3) The Council must 14 days prior to the date of an auction sale contemplated in subsection (2) publish a notice thereof in at least two newspapers circulating within the municipal area of the Council, but a vehicle may not be sold at the auction if at any time before the vehicle is sold, it is claimed by the owner or any person authorised by the owner or otherwise lawfully entitled to claim the vehicle and every prescribed fee payable in respect thereof in terms of these By-laws and all costs referred to in subsection (4) are paid to the Council.
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and to defray the following:
 - (a) The costs incurred in endeavouring to trace the owner in terms of subsection (2);
 - (b) the costs of removing the vehicle and effecting the sale of the vehicle;
 - (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
 - (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate,
- (5) Any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

Refusal of admission

24. An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

Medical practitioners exempt

25. A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a parking ground to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

Offences and penalties

26. Any person who –

- (a) contravenes or fails to comply with any provision of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws;
- or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal of by-laws

27. The By-laws listed in Schedule 1 hereto are hereby repealed.

Short title

28. These By-laws are called the Parking Grounds By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Administrator’s Notice 901 of 19 August 1970	Roodepoort Municipality: Parking Meter and Parking Area By-laws	Whole
Administrator’s Notice 567 of 27 July 1966	Johannesburg Municipality: Parking Grounds By-laws	Whole

NOTICE 830 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****PUBLIC HEALTH BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Public Health By-laws of the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

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1. (1) In these By-laws, unless the context otherwise indicates –

“adequate” when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health officer, is sufficient to safeguard public health, and to achieve the purpose and apply the principles of these By-laws and “adequately” has a corresponding meaning;

“approved” when used to describe a particular object, measure or material, means an object, measure or material which has been approved in terms of section 12 as being adequate in specified circumstances to prevent, or reduce to a level acceptable to the Council, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;

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

“communicable diseases” means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person;

“Council” means –

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or
- (b) its successor in title; or

- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"dwelling" means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and "room" has a corresponding meaning;

"environmental health officer" means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa in terms of section 33(1) of the Medical Dental and Supplementary Health Services Professions Act, 1974 (Act No. 56 of 1974);

"exemption certificate" means a certificate issued in terms of section 10;

"hot water" means water which has a minimum temperature of 55° C at the point of discharge;

"municipal area" means the area under the jurisdiction of the Council;

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

"National Building Regulations and Building Standards Act" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"occupier", in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises;
- (c) who is not occupying the premises but is entitled to do so; or
- (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);

"organ of state" means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996);

"owner", in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered, and includes the holder of a stand licence; or
- (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"permit" means a public health permit issued by the Council in terms of the section 11;

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

"pest" means any animal or mammal which may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes, bed bugs, fleas, lice, termites and cockroaches;

"potable water" means water that complies with the requirements set out in SABS 241: Water for Domestic Supplies;

"premises" means –

- (a) any land without any buildings or other structures on it;
- (b) any building or other structure and the land on which it is situated;
- (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or
- (d) any vessel, vehicle or movable structure which is used for a scheduled use;

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

"public health" means the mental and physical health and well-being of people in the municipal area;

"public health hazard" means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 5 (3);
- (b) unsanitary conditions;
- (c) circumstances which make it easier for a communicable disease to spread;
- (d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances which allow pests to infest any place where they may affect public health;

“public health nuisance” means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of Schedule 1;

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use;

“Rationalisation of Local Government Affairs Act” means the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998);

“scheduled use” means a use listed in Schedule 2.

- (2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws.
- (3) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Purpose

2. The purpose of these By-laws is to enable the Council to protect and promote the long term health and well-being of people in the municipal area by -
 - (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can -
 - (i) manage and regulate activities that have the potential to impact adversely on public health; and
 - (ii) require premises to be properly maintained and managed; and
 - (b) defining the rights and obligations of the Council and the public in relation to this purpose.

CHAPTER 2**PUBLIC HEALTH*****Part 1: Public health principles*****Principles**

3. (1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the Council has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- (2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the Council.
- (3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- (4) Any person who wishes to undertake an activity which creates a risk to public health that is more than trivial or insignificant must –
 - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the Council; and
 - (b) bear the costs of taking those measures and of any reasonable costs incurred by the Council in ensuring that the risk is eliminated or reduced to an acceptable level.
- (5) The Council must regulate all activities and administer all matters for which it is legally responsible in a manner that –
 - (a) avoids creating a public health hazard or a public health nuisance;
 - (b) does not make it easier for any human or animal disease to spread;
 - (c) does not give rise to unsanitary or unhygienic conditions;
 - (d) prevents unsafe food or drink from being eaten or drunk;
 - (e) avoids creating conditions favourable for infestation by pests; or
 - (f) wherever reasonably possible, improves public health in the municipal area.
- (6) In dealing with matters affecting public health the Council must –
 - (a) adopt a cautious and risk-averse approach;
 - (b) prioritise the collective interests of the people of the municipal area, and of South Africa, over the interests of any specific interest group or sector of society;

- (c) take account of historic inequalities in the management and regulation of activities that may have an adverse impact on public health and redress these inequalities in an equitable and non-discriminatory manner;
- (d) adopt a long-term perspective that takes account of the interests of future generations; and
- (e) take account of, and wherever possible without compromising public health, minimise any adverse effects on other living organisms and ecosystems.

Application of principles

4. The public health principles set out in section 3 must be considered and applied by any person –
- (a) exercising a power or function or performing a duty under these By-laws;
 - (b) formulating or implementing any policy that is likely to have a significant effect on, or which concerns the carrying on of activities likely to impact on, public health in the municipal area; or
 - (c) exercising a public power or function or performing a public duty in the municipal area which is likely to have a significant effect on public health in that area.

Part 2: Public health hazards and public health nuisances

Prohibition on causing public health hazards

5. (1) No person may create a public health hazard anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- (3) An owner or occupier of premises creates a public health hazard if –
- (a) the premises are infested with pests or pests are breeding in large numbers on the premises;
 - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
 - (c) there is any unsanitary condition in any part of the premises; or
 - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

Duty to report public health hazards

6. The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence –
- (a) eliminate the public health hazard; or

- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the Council in writing.

Prohibition on causing public health nuisances

7. (1) No person may cause a public health nuisance anywhere in the municipal area.
- (2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on those premises.

CHAPTER 3

POTENTIALLY HAZARDOUS USES OF PREMISES AND ENFORCEMENT

Part 1: Potentially hazardous uses

Duty to list potentially hazardous uses

8. If the Council reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level, the Council must list the activity concerned in Schedule 2 and must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

Scheduled uses

9. (1) Any person who uses premises in a manner or for a purpose listed in Schedule 2 must comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 10 from complying with any such provision.
- (2) Any person who uses premises in a manner or for a purpose that is listed in Part A of Schedule 2, must obtain a permit in terms of section 11 before commencing that use and must comply with the terms and conditions of that permit.

Exemption certificates

10. (1) Any person who wants to undertake a scheduled use on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned, may apply to the Council in accordance with section 13 for an exemption certificate.

- (2) The Council may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health officer is satisfied that –
- (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
 - (b) the scheduled use in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

Public health permits

11. (1) Any person who wants to undertake a scheduled use that is listed in Part A of Schedule 2, must apply to the Council in accordance with section 13 for a public health permit.
- (2) The Council may issue a public health permit to the owner or occupier of any premises, if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- (3) A public health permit –
- (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council;
 - (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the Council reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws; and
 - (c) may approve any measure or material in connection with the activity authorised by the permit that must be approved in terms of these By-laws.

Approval of measures, objects and materials

12. (1) The Council may approve any object or material used, or any measure taken, in specified circumstances as being adequate to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council.
- (2) An object, material or measure referred to in subsection (1) may be approved by the Council in –
- (a) a public health permit; or
 - (b) guidelines prescribed by the Council in terms of subsection (3).

- (3) The Council may publish guidelines in the Provincial Gazette which describe –
- (a) appropriate measures that can be taken and objects and materials that can be used, to eliminate the risk of any public health hazard or public health nuisance occurring, continuing or recurring, or to reduce that risk to a level acceptable to the Council; and
 - (b) the circumstances in which taking these measures or using these objects or materials are acceptable to the Council.

Application procedure

13. (1) Any person who wants to obtain an exemption certificate or a permit must apply to the Council in writing in a form prescribed by the Council, prior to undertaking the scheduled use concerned.
- (2) When the Council receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health officer as soon as reasonably possible.
- (3) Before deciding whether or not to approve an application contemplated in subsection (1), the Council –
- (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled use concerned, have been consulted and had an opportunity to make representations; and
 - (b) may require the applicant to provide any further information which the Council considers relevant to enable it to make an informed decision.
- (4) In deciding whether or not to issue an exemption certificate or a permit, and what terms and conditions, if any, to include in it, the Council must apply the public health principles set out in section 3.

General terms applicable to certificates and permits

14. (1) An exemption certificate or a permit–
- (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- (2) Every exemption certificate or permit must–
- (a) specify the address and other relevant details regarding the location of the premises concerned;
 - (b) describe the premises concerned;
 - (c) describe the activity concerned;
 - (d) specify terms and conditions imposed, if any; and
 - (e) indicate when it expires.

- (3) An applicant must pay a prescribed fee, if determined by the Council, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- (4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee has been paid.

Suspension, cancellation and amendment of exemption certificates and permits

15. (1) An environmental health officer may by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit.
- (2) An environmental health officer may suspend or cancel an exemption certificate or permit with immediate effect if –
 - (a) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of such certificate or permit fails to comply with a compliance notice contemplated in section 32 of the Rationalisation of Local Government Affairs Act, in which is stated that such certificate or permit may be suspended or cancelled without further notice if the holder fails to comply with that notice.
- (3) An environmental health officer may suspend or cancel an exemption certificate or permit after having given the holder thereof a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled if –
 - (a) the environmental health officer reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- (4) An environmental health officer may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

Part 2: Enforcement, remedial work and costs**Demolition orders**

16. (1) If the Council believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the Council to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- (2) The Council may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

Municipal remedial work

17. The Council may, subject to the provisions of any other law, enter any premises and do anything on the premises that it reasonably considers necessary –
- (a) to ensure compliance with these By-laws or with any compliance notice issued in terms of section 32 of the Rationalisation of Local Government Affairs Act;
 - (b) to reduce, remove or minimise any significant public health hazard; or
 - (c) to reduce, remove or minimise any public health nuisance.

Cost orders

18. (1) The Council may recover any costs reasonably incurred by it in taking measures contemplated in section 16 from any person who was under a legal obligation to take those measures, including –
- (a) a person on whom a compliance notice referred to in section 17(a) that required those steps to be taken, was served;
 - (b) the owner or occupier of the premises concerned; or
 - (c) any person responsible for creating a public health hazard or a public health nuisance.
- (2) The municipal manager may issue a cost order requiring a person who is liable to pay costs incurred by the Council in terms of subsection (1), to pay those costs by a date specified in the order and such order constitutes prima facie evidence of the amount due.

CHAPTER 4:
SANITARY SERVICES

Compulsory connection to municipal sewage system

19. Every owner of premises to which a municipal sewage service is available, must ensure that all waste water drainage pipes from any bath, wash-hand basin, toilet, shower or kitchen sink is connected to the municipal sewer in an approved manner.

Prohibition against obstruction of sanitary services

20. No person may prevent, obstruct or interfere with any sanitary service provided by the Council.

Requirements in respect of toilet facilities

21. Every owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act.

Toilets for workers

22. Every contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.

Prohibition against use of a bucket toilet under the same roof as a dwelling

23. No person may provide, erect, retain or use any bucket toilet inside, or under the same roof, as a dwelling.

Condition of toilets, urinals, backyards and refuse areas

24. Every owner or occupier of any premises must keep every backyard, refuse area, toilet, and urinal in a sanitary condition and good state of repair.

Separate storage of urine

25. (1) Any owner or occupier required by the Council to provide for the separate storage of urine, due to the size, extent of occupation or use of any premises, must comply with any notice issued by the Council calling on him or her to provide an adequate urine tank or an adequate number of urine buckets on the premises.
- (2) Every owner or occupier referred to in subsection (1) must use the urine tank or urine bucket exclusively for the reception of urine.

Provision of tank for waste liquids in areas without sewers

26. (1) Any owner of premises not connected to a public sewer or not provided with other adequate measures for the disposal of waste liquid, must provide the premises with a tank big enough to contain the slops, bath water or other waste water produced on the premises during a period of 48 hours.
- (2) Subject to the provisions of subsection (3), premises referred to in subsection (1), must be equipped either with –
- (a) an overhead tank placed in a way that its contents can be gravity fed into the Council's waste removal vehicles; or
 - (b) an adequate filter, pump and indicator, with outlet pipes constructed and placed in a way that the tank may be easily emptied and cleansed.
- (3) The provisions of subsection (2) do not apply if –
- (a) adequate arrangements have been made for dispersing waste water produced on the premises, other than urine, over land associated with the premises concerned; and
 - (b) the waste water is dispersed in a way that will not create a public health nuisance.

Pumping of contents of underground tank to surface tank

27. Any occupier of premises on which both underground and overhead tanks are provided for the storage of waste water, must pump the contents of the underground tank to the overhead tank immediately prior to the overhead tank being emptied by the Council.

Blocked or defective outlet pipes

28. Every owner or occupier of premises must keep any drainage system free from obstruction and in a good condition.

Prohibition against urine in slops tanks

29. No person may discharge or allow any urine or excrement to be discharged into a slops tank situated on any premises.

CHAPTER 5**PRIVATE SEWAGE WORKS****Permit for provision of service for the removal of human excrement or urine**

30. No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorising that service.

Permit for installation of sewage works

31. No person may, on any private premises, install, alter, re-site, operate or maintain any septic tank, filter installation or other works for the disposal of sewage, except in terms of a permit authorising that activity.

Maintenance of sewage works

32. Any person operating a sewage works must ensure that it is maintained in a sanitary condition and good state of repair at all times.

Disposal of sewage, sewage effluent and wastewater without causing a public health nuisance and/or hazard

33. No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower or kitchen sink in a way or in a location that may -
- (a) cause dampness in or on any premises;
 - (b) endanger the quality of any water supply, surface water, stream or river; or
 - (c) create a public health nuisance and/or hazard.

Compulsory use of Council's sewage removal service

34. Every occupier of premises must use the sewage removal service prescribed by the Council for those premises.

CHAPTER 6**WATER****Definitions**

35. In this Chapter, unless the context otherwise indicates -

"domestic consumption" in relation to water, means the use of water for -

- (a) human consumption;
- (b) preparing or manufacturing food or drink for human consumption;
- (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or
- (d) any other domestic purpose.

"effluent" means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance.

Pollution of sources of water supply

36. No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

Dangerous wells, boreholes and excavations

37. Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –
- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
 - (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

Provision of adequate water supply

38. Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

Use of water from sources other than the municipal supply

39. No person may use, or permit to be used, any water obtained from a source other than the municipal water supply for domestic consumption, unless the water concerned has been approved for that purpose.

Furnishing of particulars of the source of water

40. (1) Any owner or occupier of premises on which a well, borehole, spring, dam, river or other water source is located, the water of which is used for domestic consumption, must within 14 days of receiving a notice from the Council calling on him or her to do so, provide the Council with all particulars of the water source reasonably available to the owner or occupier.
- (2) An owner or occupier of premises contemplated in subsection (1), must, if requested to do so by the Council, and at his or her own cost, furnish to the Council a certificate of analysis and bacteriological investigation issued by an analyst, as defined in the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972), in respect of any water supply on that premises used for domestic consumption.
- (3) If water from a borehole is used for domestic consumption, a certificate of analysis as contemplated in subsection (2), must be submitted to Council annually or at any time on request of an environmental health officer.

Notice of the sinking or digging of boreholes or wells

41. (1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –
- (a) it is done so in accordance with any relevant law; and
 - (b) he or she has given the Council at least 14 days' written notice of his or her intention to do so.
- (2) The notice referred to in subsection (1)(b), must state the proposed location and the purpose for which the water is to be used.

Storm water runoff from premises which may impact on public health

42. (1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises –
- (a) to divert the maximum storm water runoff, which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;
 - (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
 - (c) to separate all effluent from storm water systems;
 - (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stock-pile on the premises, and to contain any eroded or leached material in the area where it originated;
 - (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
 - (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stock-pile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- (2) An owner or occupier of premises –
- (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
 - (b) may not locate any dump within the one hundred year flood line of any water resource;
 - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;

- (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and
- (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

Containment of waste water

43. Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

CHAPTER 7

OFFENSIVE TRADES

Definitions

44. In this Chapter, unless the context otherwise indicates -

"effluent" means any waste water which may be generated as a result of undertaking any scheduled use or an activity which is likely to cause a public health nuisance;

"offensive trade" means any business listed below or business which involves an activity listed below:

- (a) Panel beating or spray painting;
- (b) operating a waste recycling plant including oil and petroleum product recycling;
- (c) scrap yard or scrap metal dealing;
- (d) blood boiling, bone boiling, tallow melting, fat melting or fat extracting, soap boiling, tripe boiling or cleaning, skin storing, bone storing, hide boiling, skin curing, blood drying, gut scraping, leather dressing, tanning or glue or size making;
- (e) charcoal burning, brick burning, lime burning;
- (f) manure making or storing or compost making;
- (g) parchment making;
- (h) manufacturing malt or yeast;
- (i) cement works, coke-ovens or salt glazing works;
- (j) sintering of sulphurous materials;
- (k) viscose works;
- (l) ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;

- (m) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (n) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide; or
- (o) the refining or processing of petrol, oil or their products;

"offensive trader" means any person who owns, conducts or carries on an offensive trade.

Permit requirement

45. No person may conduct an offensive trade in or on any premises, except in terms of a permit authorising such trade.

Requirements for premises

46. No person may conduct an offensive trade in or on any premises unless -
- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
 - (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
 - (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
 - (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
 - (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
 - (f) an adequate supply of running potable water is provided;
 - (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
 - (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
 - (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may -
 - (i) discharge offensive or injurious effluent or liquid; or
 - (ii) decompose in the course of the work or trade;
 - (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;

- (k) adequate sanitary fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (q) if no change-room has been provided in terms of paragraph (p) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of offensive traders

47. Every offensive trader must -

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises; and
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.

Liquid refuse from bone and tripe boiling

48. (1) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
- (2) The cooling process referred to in subsection (1), must take place in a manner that prevents the generation of any noxious and injurious effluent.

Liquids, tanks and tubs in leather making

49. Every fell-monger, leather dresser or tanner must -
- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;
 - (b) clean the entire tank or other receptacle every time it is emptied;
 - (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

Storage of rags, bones and waste

50. No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -
- (a) inhabited by people; or
 - (b) not adequately ventilated.

CHAPTER 8**HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES****Definitions**

51. In this Chapter, unless the context otherwise indicates -

"body piercing" means the piercing of the skin for the purpose of inserting any foreign object;

"cosmetology or beauty service" includes, but is not limited to, any one or more of the following services:

- (a) Manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used;
- (b) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes;
- (c) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- (d) facial skin care;
- (e) removal of unwanted or superfluous hair from any part of the body by any means, other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;
- (f) body piercing and tattooing for cosmetic purposes;
- (g) massaging;
- (h) body bronzing by means of ultraviolet radiation or any similar method; or
- (i) body contouring including all forms of slimming;

"hairdressing" includes, but is not limited to, any one or more of the following services:

- (a) Shampooing and cleansing, conditioning and treating hair;
- (b) chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;
- (c) hair colouring, including tinting, dyeing and colouring by means of permanent, semi-permanent or temporary means, including the use of colour rinses, shampoos, gels or mousses and lightening by means of tints, bleaches, highlights or high lifting tints or toners;
- (d) hair cutting and shaping;
- (e) barbering services including shaving and singeing of hair; or
- (f) the adding to hair of natural and artificial hair and hair extensions, board work, pastiche, wig-making or the performing of any operation specified in paragraphs (a) to (e) on a wig or hairpiece to be worn by any person; or
- (g) trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair;

"salon" means any place where any or more of the following services are performed for gain:

- (a) Hairdressing service;
- (b) cosmetology or beauty service;
- (c) body piercing and tattooing; or
- (d) massaging service;

"salon service" means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

Permit requirement

52. No person may operate a salon except in terms of a permit authorising that activity.

Requirements for premises

53. No person may operate a salon on any premises which do not comply with the following requirements:
- (a) Adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, must be provided;
 - (b) all shelves, fixtures and table tops on which instruments are placed must be constructed of an approved material that is durable, non-absorbent, and easy to clean;
 - (c) water and toilet facilities must be provided as prescribed in the National Building Regulations and Building Standards Act;
 - (d) adequate facilities, with a supply of running potable water, must be available for the washing of hair and hands;
 - (e) an approved system for the disposal of waste water must be provided;

- (f) adequate storage facilities must be provided;
- (g) the walls and floors must be constructed of a material that is easy to clean and which prevents cut hair from being dispersed; and
- (h) the premises may not be used for the storage and preparation of food or for sleeping unless any area for that purpose is clearly separated by an impervious wall.
- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing –
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (j) if no change-room has been provided in terms of paragraph (i) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of salon operators

54. Any person operating a salon must –

- (a) maintain the premises, tools, equipment and clothing in a hygienic and good condition at all times;
- (b) equip the premises with an adequate means to disinfect and sterilise instruments and equipment that may come into direct contact with any customer's hair or skin;
- (c) provide employees on the premises with approved protective clothing and equipment;
- (d) collect all hair clippings and other waste in an approved container after every service;
- (e) store or dispose of waste in an approved manner;
- (f) adequately train any person working on the premises;
- (g) not permit any animal on the premises unless it is a guide dog accompanying a blind person; and
- (h) ensure that every person working in the salon complies with the requirements of this section and sections 55 and 56.

Required minimum health standards for the operation of a salon

55. Any person operating or employed in, a salon must take the following measures:

- (a) Adequately disinfect the following instruments after each use:
 - (i) Razors;
 - (ii) blades;
 - (iii) nail files;
 - (iv) scissors;
 - (v) clippers;
 - (vi) hairbrushes;
 - (vii) combs;
 - (viii) bristle brushes;
 - (ix) metal clips; and
 - (x) rollers;
- (b) adequately sterilise the following instruments after each use:
 - (i) Any instrument used for body piercing or tattooing;
 - (ii) any instrument which has come in contact with blood or any other body fluid;
- (c) wash and clean all plastic and cloth towels after each use;
- (d) dispose of all disposable gloves or other disposable material after each use;
- (e) wash all aprons and caps daily;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing one of the following salon services:
 - (i) Any chemical service;
 - (ii) any hair implant;
 - (iii) body piercing; and
 - (iv) tattooing;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in an approved manner;
- (j) store razors, blades, needles and other sharp instruments separately in a "sharp instrument" box;
- (k) adequately treat any injury or wound which may occur on the premises;
- (l) clean and disinfect all surfaces that have been contaminated by blood after each service; and
- (m) keep an approved first aid kit on the premises at all times.

Prohibition against the use of salon premises for other purposes

56. (1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- (2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 9**SECOND-HAND GOODS****Definitions**

57. In this Chapter, unless the context otherwise indicates –

“second-hand goods business” means any business in which used goods and materials are sold, including, without limitation –

- (a) clothing, furniture, scrapped motor vehicles, footwear, timber, building bricks or blocks, building material or fittings, machinery, drums, tins, bottles, packing cases, boxes, crates or other containers, metal, rags, plastic bags, paper or any other material, which has previously been used; and
- (b) bones or tallow.

Requirements for premises

58. No person may operate a second-hand goods business in or on any premises which do not comply with the following requirements:
- (a) any section of the premises where second-hand goods are stored and handled must be enclosed by walls constructed of brick, rock or concrete, with a minimum height of two metres;
- (b) all gates to the premises must be of solid construction with a minimum height of two metres;
- (c) all materials must be stacked or stored below the height of the perimeter screening;
- (d) adequate lighting and ventilation, as prescribed in the National Building Regulations and Building Standards Act must be provided;
- (e) all storage areas must be paved with cement, concrete or other approved impervious material;
- (f) all backyard surfaces and open spaces of the premises must be graded and drained to allow for the effective run-off of all precipitation;
- (g) adequate sanitary fixtures for both sexes employed on the premises must be provided, as prescribed in the National Building Regulations and Building Standard Act; and
- (h) an adequate number of refuse containers must be provided.

- (i) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (j) if no change-room has been provided in terms of paragraph (i) -
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area.

Duties of second-hand goods traders

59. Any person who conducts a second-hand goods business must -
- (a) store second-hand goods in a backyard, building or open space that is constructed of an approved material in such a manner as to prevent the harbourage of rodents or other vermin and pests;
 - (b) ensure that no water accumulates in any article stored on the premises;
 - (c) keep the premises in a clean, neat and sanitary condition at all times;
 - (d) immediately on receipt, disinfect all furniture, soft furnishings, clothing, bedding or other fabrics in an adequate manner;
 - (e) keep any other articles separate from articles which have been disinfected; and
 - (f) label all articles which have been disinfected in a conspicuous place on each article.

CHAPTER 10

ACCOMMODATION ESTABLISHMENTS

Definitions

60. In this Chapter, unless the context otherwise indicates -

"accommodation establishment" means any place in which accommodation is provided for gain to four or more people, with or without meals;

"dormitory" means a sleeping room in which sleeping accommodation is provided for four or more persons.

Permit requirement

61. No person may operate an accommodation establishment except in terms of a permit authorising that activity.

Requirements for premises of accommodation establishments

62. No person may operate an accommodation establishment on premises which do not comply with the following requirements:
- (a) No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow-
 - (i) less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - (ii) less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
 - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, diningroom, food preparation area, cellar or loft may be used as sleeping accommodation;
 - (c) if a dormitory is provided on the premises –
 - (i) a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
 - (ii) a separate locker must be provided for every person making use of the dormitory for safeguarding the person's clothing and other possessions;
 - (iii) every bed in a dormitory must be so placed that its sides are at least one metre away from any part of any other bed;
 - (d) an accommodation establishment must be provided with –
 - (i) an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
 - (ii) adequate separate wash-up facilities; and
 - (iii) where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes;
 - (e) (i) an accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act.
 - (ii) a bath fitted with a waste pipe may be substituted for each shower referred to in subparagraph (i).
 - (iii) the facilities referred to in subparagraphs (i) and (ii) must be designated for the different sexes;

- (f) an accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different sexes;
- (g) an accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- (h) all rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- (i) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- (j)
 - (i) a separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered; and
 - (ii) if articles used in connection with an accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- (k) a store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- (l)
 - (i) all walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - (ii) the floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - (iii) the floor surface of every habitable room must be constructed of an approved material;
- (m) the following facilities must be provided for people who are employed and also reside on the premises:
 - (i) Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs (a), (b) and (c) for each employee; and
 - (ii) if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph (d).
- (n) adequate changing facilities must be provided for non-resident employees;
- (o) adequate ablution and sanitary facilities, which comply with the provisions of paragraphs (e) and (f), must be provided for resident and non-resident employees;
- (p) an adequate refuse holding area must be provided and an approved refuse removal system must be maintained;

- (q) all walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- (r) All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- (s) All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed.

Duties of operators of accommodation establishments

63. Every person who conducts an accommodation establishment must –

- (a) keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- (b) clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- (c) take adequate measures to eradicate pests on the premises;
- (d) provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- (e) provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- (f) store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in section 62(j);
- (g) store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in section 62(k);
- (h) keep all sanitary, ablution and water supply fittings in good working order;
- (i) keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- (j) handle refuse in the manner provided in section 62(p).

CHAPTER 11

DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

Definitions

64. In this Chapter, unless the context otherwise indicates –

“dry-cleaning or laundry business” means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed;

“dry-cleaning or laundry receiving depot” means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

Premises for dry-cleaning or laundry businesses

65. No person may conduct a dry-cleaning or laundry business on premises which do not comply with the following requirements:
- (a) a work-room or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, must be provided;
 - (b) adequate separate areas for marking clean and dirty articles must be provided with -
 - (i) tables with an impervious surface;
 - (ii) adequate washable containers for dirty articles; and
 - (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
 - (c) a separate room or area with separate designated counters, with impervious surfaces, must be provided for the receipt and dispatch of articles;
 - (d) a store-room or facility for the storage of packing material and other articles must be provided and equipped with adequate packing shelves of which the lowest shelf must be at least 250 mm above floor level;
 - (e) adequate separate change-rooms for males and females, where five or more persons of the same sex are employed, must be provided containing -
 - (i) an adequate metal locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
 - (f) if no change-room has been provided in terms of paragraph (e) -
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) an adequate metal locker must be provided for every employee in the work area;
 - (g) a tea kitchen with a single-basin stainless steel sink, with a supply of running hot and cold potable water, must be provided;
 - (h) separate toilets for males and females must be provided which comply with the provisions of the National Building Regulations and Building Standards Act;
 - (i) every toilet and change-room must be clearly gender designated;
 - (j) all internal walls must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
 - (k) all ceilings must be dust-proof, smoothly finished, and painted with a light-coloured washable paint;

- (l) all floor surfaces must be constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- (m) the minimum height from floor to ceiling of any room or area must be 2,4 metres;
- (n) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act must be provided;
- (o) all machinery and equipment must be equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- (p) all machinery and equipment must be placed so that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (q) a separate pre-rinsing area must be provided on any premises where nappies are laundered.

Premises for dry-cleaning or laundry receiving depots

66. No person may operate a dry-cleaning or laundry receiving depot on premises which do not comply with the following requirements:
- (a) A separate room or area with a minimum width of two metres must be provided for the receipt and dispatch of articles;
 - (b) fifty percent of the floor space of the room referred to in paragraph (a) must be unobstructed;
 - (c) a wash-hand basin with a supply of running potable water must be provided;
 - (d) an adequate supply of soap and disposable towels must be provided at every wash-hand basin;
 - (e) all internal wall and ceiling surfaces must be constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
 - (f) all floor surfaces must be constructed of cement or other impervious material, brought to a smooth finish;
 - (g) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided;
 - (h) adequate washable containers for storing dirty articles must be provided;
 - (i) adequate quantities of hanging rails or impervious shelves for the storage of clean articles must be provided;
 - (j) adequate designated counters, with impervious surfaces, must be provided separately for the receipt and dispatch of dirty and clean articles; and
 - (k) an adequate metal locker must be provided for every person employed in the receiving depot.

Premises for coin-operated laundries

67. No person may operate a coin-operated laundry on premises which do not comply with the following requirements:
- (a) separate toilet and hand washing facilities for the different sexes, as prescribed in the National Building Regulations and Building Standards Act, must be provided;

- (b) an adequate area must be provided where ironing is done on the premises; and
- (c) any machine on the premises must be installed in accordance with any applicable law.

General requirements for dry-cleaning and laundry businesses

68. Any person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot exists, must –
- (a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
 - (b) separate dirty articles from clean articles at all times, including when in transit;
 - (c) use a change-room solely for changing;
 - (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
 - (e) keep protective clothing in a clean and sound condition at all times;
 - (f) store protective clothing in a locker when it is not being worn;
 - (g) affix the name and business address, in clear lettering, to the outside of any business vehicle;
 - (h) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
 - (i) comply with the requirements of the following legislation at all times:
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and
 - (ii) the Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965);
 - (j) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;
 - (k) insulate all steam piping with an adequate material; and
 - (l) dispose of all waste water in an approved manner.

CHAPTER 12

SWIMMING POOLS AND SPA-BATHS

Definitions

69. In this Chapter, unless the context otherwise indicates –

“spa-bath” means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;

“spa-bath keeper” means any person who owns or controls the operation of a spa-bath;

"swimming pool" means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool, but excluding a swimming pool at a private home which is not used for commercial purposes;

"swimming pool keeper" means any person who owns or controls the operation of a swimming pool.

Requirements for premises

70. No person may operate a swimming pool or spa bath in or on any premises which do not comply with the following requirements:
- (a) readily accessible change-rooms, showers and toilet facilities must be provided separate for each sex in compliance with the National Building Regulations and Building Standards Act;
 - (b) every swimming-pool must be surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
 - (c) the surface of the floor area surrounding any spa-bath or swimming-pool must be constructed of an impervious, non-slip material;
 - (d) an approved chemical gas mask must be provided at the chlorinator installation;
 - (e) if so instructed in writing by an environmental health officer, an oxygen or air breathing apparatus must be provided; and
 - (f) an adequate number of refuse receptacles must be provided on the premises.

Duties of spa-bath keepers

71. Every spa-bath keeper must –
- (a) keep the premises in a safe, clean and sanitary condition and in good repair at all times;
 - (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
 - (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
 - (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
 - (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
 - (f) maintain a daily record of the spa-bath water quality.

Duties of swimming pool keepers

72. Every swimming pool keeper must –
- (a) keep the premises in a safe, clean and sanitary condition at all times;
 - (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;

- (c) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (d) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (e) provide and maintain, in proper working order, equipment for testing the quality of the swimming pool water;
- (f) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (g) maintain a daily record of the swimming pool water quality.

Water supply

73. (1) Unless the prior written approval of an environmental health officer has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (2) An environmental health officer must –
- (a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate for the purpose of a chemical analysis or bacteriological examination of that water;
 - (b) submit the samples to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 to conduct an analysis.

Safety of water

74. Every spa-bath keeper and swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements:
- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
 - (b) the pH value of the water must be not less than 7 and not greater than 8;
 - (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
 - (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
 - (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
 - (f) *Escherichia coli* type 1 bacteria must not be present in any 100 ml of water.

Order and behaviour

75. No person may –
- (a) interfere with a spa-bath keeper or swimming pool keeper in the execution of his or her duties;

- (b) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;
- (c) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; and
- (d) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 13

NURSING HOMES

Definitions

76. In this Chapter, unless the context otherwise indicates –

“general practice” when used to describe the purpose for which a nursing home is used, means all medical, gynaecological and surgical cases, excluding maternity cases;

“maternity home” means any nursing home, or part thereof, dealing exclusively with maternity cases;

“nursing home” means any premises where the nursing or care of patients is carried on for gain, but does not include –

- (a) any institution owned or controlled by the Government of the Republic of South Africa or a Provincial Administration; or
- (b) any consulting room, dental surgery or home for aged persons.

Use of premises

77. (1) Any person who operates a nursing home may use it for the purpose of either a maternity home or for general practice, but not for both those functions, unless –

- (a) the nursing home carried on business prior to the promulgation of these By-laws; or
- (b) the nursing home –
 - (i) complies with the requirements of subsection (2);
 - (ii) is in possession of a permit authorising that activity; and
 - (iii) complies with the requirements of any relevant Town Planning Scheme.

- (2) Any person who operates a nursing home may use the premises concerned as a maternity home and for general practice, subject to compliance with the following requirements:
- (a) One part of the premises must be set aside exclusively as a maternity area for maternity cases and another part must be set aside exclusively as a general practice area for general practice;
 - (b) no room, passage, stairway, hall, corridor, lift, external entrance or exit or other portion of the premises may be used in common for any purpose whatsoever, except those that are used for the purpose of –
 - (i) laundries;
 - (ii) central sterilising unit, including ancillary units and stores;
 - (iii) pathological laboratories;
 - (iv) kitchens, sculleries, washing-up facilities, larders and any associated storage space;
 - (v) storage space for unused or adequately sterilised stores;
 - (vi) an administrative office other than an office used to admit and discharge patients;
 - (vii) central pharmaceutical units;
 - (viii) mortuaries; and
 - (ix) workshops;
 - (c) access to any common area may not be gained from the maternity area by going through the general practice area, and vice versa;
 - (d) any common area leading from the two exclusive areas must be adequately ventilated;
 - (e) there may not be any direct means of access between the two exclusive areas;
 - (f) there may not be any opening, aperture or gap in any common wall dividing the two exclusive areas which could allow air to pass from one area to the other;
 - (g) every floor of one exclusive area, which is located immediately above the other exclusive area, must be made of reinforced concrete or other impervious material;
 - (h) no member of the nursing or ward domestic staff who has performed duties in one exclusive area may, within 24 hours thereafter, perform duties in or enter the other exclusive area in an official capacity or in uniform;
 - (i) the uniforms and protective clothing worn by persons employed in the common area and the two exclusive areas, must be clearly distinguishable from one another;
 - (j) no furniture, equipment, utensils, apparatus, linen, blankets or any other articles located in a common area, may be taken to any exclusive area until they have been adequately sterilised;
 - (k) all furniture, equipment, utensils, apparatus and other articles, excluding linen, blankets, kitchen utensils, catering equipment, crockery, medical, surgical instruments and other incidental items, used in or intended for use in the two exclusive areas, must be clearly marked to indicate in which of the those areas they are used or originated;

- (l) no article identified for use in the one exclusive area may be taken into or kept in the other exclusive area unless a certificate is obtained from an environmental health officer that the article has been adequately sterilised;
- (m) all articles issued from the common area for use in the two exclusive areas, must be returned to the common area;
- (n) no article issued for use in one exclusive area may be used in the other exclusive area until it has been returned to the common area for adequate sterilisation;
- (o) no patient from the maternity area may be accommodated, nursed or cared for in the general practice area, and vice versa; and
- (p) no person shall bring any animal, poultry or bird onto the premises.

General requirements

78. No person may operate a nursing home which does not comply with the following requirements:

- (a) Separate residential accommodation must be provided for staff required to reside on the premises;
- (b) separate bathrooms and toilets must be provided in accordance with section 85(b) and (c), for each of the following classes of person:
 - (i) Patients;
 - (ii) nursing staff; and
 - (iii) domestic staff;
- (c) the bathrooms and toilets must be designated for each sex and must be laid out in a manner that satisfies an environmental health officer;
- (d) an adequate supply of running hot and cold potable water, drawn from the Council's main supply, must be provided;
- (e) a water-borne sewerage system connected to the Council's sewer, a septic tank or other disposal system approved by the city engineer of the Council and an environmental health officer in writing, must be provided;
- (f) adequate accommodation for the administrative purposes of the nursing home, must be provided;
- (g) adequate storage accommodation for articles that are reasonably necessary to store on the premises, must be provided;
- (h) an adequate kitchen and scullery, having regard to the size and layout of the nursing home, must be provided;
- (i) adequate accommodation and facilities for the storage and refrigeration of food, must be provided;
- (j) a separate linen room, containing adequate cupboards or shelves for the storage of clean linen, must be provided;
- (k) an incinerator, adequate for the complete incineration of any combustible article placed in it, must be provided;
- (l) any laundry located on the premises, must comply with the provisions of these By-laws;

- (m) no autopsy may be performed on the premises, other than in a room which is used solely for the reception of dead bodies and is constructed as follows:
 - (i) The room must be divided from any other room by a solid wall;
 - (ii) the floor and walls must be constructed of an impervious material brought to a smooth finish;
 - (iii) all tables in the room must have impervious tops;
 - (iv) a sink, supplied with hot and cold running potable water, must be provided; and
 - (v) an adequate drainage system must be provided;
- (n) adequate facilities must be provided for the hygienic handling and disposal of flowers, vases and other related materials;
- (o) fire prevention equipment, which in the opinion of the chief fire officer of the Council is adequate, must be provided and maintained on the premises;
- (p) a fire escape, the stairs of which are a minimum of 1 metre wide with landings at each turning point measuring a minimum of 2.2 metres by 1.7 metres, must be affixed to the premises;
- (q) the premises must provide adequate accommodation for the storage of any spare equipment, including particularly heavy equipment and gas cylinders, in a manner that will not obstruct any passages or exits to the premises; and
- (r) an emergency stand-by electrical plant must be provided which is adequate to provide an immediate alternative supply of electricity to –
 - (i) each operating theatre throughout the period of any power failure; and
 - (ii) any part of the nursing home to ensure the continued operation, throughout the period of the failure, of all electrically operated appliances and equipment which, in the opinion of an environmental health officer, are or may be life saving.

Floor requirements

79. No person may operate a nursing home, unless the following are provided on each floor:
- (a) A duty-room equipped in accordance with section 90;
 - (b) adequate sluicing facilities, taking into account the number of beds on the floor;
 - (c) a dressing room fitted with adequate sterilising equipment, containing impervious shelves for the storage of sterile drums and other equipment, and used exclusively for –
 - (i) the sterilisation or preparation of instruments, dressings and other equipment; and
 - (ii) the treatment of patients;

- (d) a ward kitchen equipped with a sink with hot and cold running potable water, a refrigerator, a stove and cupboards for crockery and cutlery: Provided that a floor does not require a separate ward kitchen if all the needs of that floor are adequately catered for by the premises' main kitchen;
- (e) an adequate room or cupboard for the storage of clean linen;
- (f) a portable receptacle for the collection of soiled linen;
- (g) a room reserved exclusively for sorting and handling linen: Provided that such separate linen rooms are not required, if the entire premises are adequately served by one such room;
- (h) a room for the storage of any spare equipment including heavy equipment and gas cylinders; and
- (i) where accommodation is provided for children under the age of six years, a separate milk room for the storage and preparation of milk and other children's foods, unless a ward kitchen adequately fulfils this purpose.

Maintenance and construction

80. No person may operate a nursing home in or on premises which do not comply with the following requirements:

- (a) The premises must be kept in good and hygienic condition at all times;
- (b) all walls must be constructed of brick, stone, concrete or other impervious material;
- (c) except where glazed or glass bricks, glazed tiles or other similar material with a hard and smooth surface have been used, the internal walls of operating theatres, sterilizing rooms, wards, labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be –
 - (i) plastered and brought to a smooth finish; and
 - (ii) covered with a light-coloured washable paint, adequate plastic finish or other approved material;
- (d) the angles formed between each floor and wall, and between two walls, in operating units, wards, labour wards, sluice-rooms, milk rooms, bathrooms, toilets and kitchens, must be rounded;
- (e) the floors of wards must be constructed of concrete, hardwood or other durable material, brought to a smooth finish and maintained in this way at all times;
- (f) the floors of operating theatres, sterilizing rooms, wards, including labour wards, scrubbing-up rooms, dressing-rooms, duty-rooms, kitchens, sculleries, pantries, food store-rooms, milk rooms, bathrooms, toilets, sluice-rooms, wash-houses and mortuaries must be made of cement concrete or other impervious material brought to a smooth finish and maintained in this way at all times;
- (g) all ceilings must be constructed so as not to attract dust; and
- (h) the ceilings of operating theatres, labour wards, sterilizing rooms and scrubbing-up rooms must have a hard, smooth and washable surface.

Ventilation

81. No person may operate a nursing home which does not comply with the provisions of the National Building Regulations and Building Standards Act with regard to adequate light and ventilation.

Ward requirements

82. No person may operate a nursing home which does not comply with the following requirements in respect of each ward:
- (a) All ceilings must have a minimum height of three metres, except in the case of existing nursing homes where the height may be a minimum of 2.6 metres as long as the floor area of the ward is sufficient to provide 22 m³ of air space for every bed;
 - (b) the size of the floor area must be such as to provide a minimum of 8, 5 m² of floor space for every bed;
 - (c) no bed may be placed –
 - (i) within 750mm of any wall on the side of a bed or wall fixture, other than a wash-hand basin or central-heating radiator; or
 - (ii) within one metre of any other bed;
 - (d) no space left between beds in terms of paragraph (c), may be obstructed in any manner;
 - (e) the following must be displayed on the outside of each ward door:
 - (i) The number of the ward; and
 - (ii) the number of patients that may be accommodated in the ward;
 - (f) an adequate number of easily accessible wash-hand basins, complying with the following requirements, must be placed inside each ward:
 - (i) The basins must be of adequate size for scrubbing up; and
 - (ii) the basins must be provided with an adequate supply of hot and cold running potable water;
 - (g) no room, any of the windows of which are situated less than 1.5 metres from an object which obstructs its light, may be used as a ward; and
 - (h) every ward must have a door opening directly onto a passage.

Maternity homes

83. Any person who operates a maternity home must, in addition to the requirements for nursing homes, comply with the following requirements:
- (a) One or more rooms, as an environmental health officer may think fit to avoid overcrowding and congestion, must be set aside for each of the following purposes:
 - (i) a nursery;
 - (ii) a labour ward;
 - (iii) a delivery ward; and
 - (iv) a milk room;
 - (b) every delivery ward must have a scrubbing-up basin, with a supply of hot and cold running potable water, the taps of which are designed for operation by elbow or by foot;
 - (c) newborn infants must be kept in the nursery except when brought to their mothers for feeding or for some other specific purpose, except that the infants may be kept with their mother at all times if there are no more than two maternity cases in a ward;
 - (d) the floor area of any delivery ward in which a maximum of two maternity cases are accommodated, must provide a minimum of 10 m² for each bed and crib;
 - (e) one separate crib for each baby, each with a minimum of least 2 m² of floor space, must be provided in every nursery;
 - (f) the cribs must be situated as follows:
 - (i) A minimum of 750 mm from any other crib; or
 - (ii) a minimum of 300 mm from any wall on the side of the crib or wall fixture, excluding a wash-hand basin or a central-heating radiator;
 - (g) a baby's bathing and changing-room, fitted with adequate baby bathing equipment, must adjoin every nursery; and
 - (h) every milk room must be provided with –
 - (i) a sink made of porcelain, enamel or stainless steel and a wash-hand basin with hot and cold running potable water;
 - (ii) a refrigerator;
 - (iii) tables with impervious tops; and
 - (iv) adequate equipment for sterilising utensils used in the handling of milk.

Operating theatres

84. Any person who operates a nursing home which receives patients in need of surgical treatment, must provide an operating theatre used exclusively for surgical operations, which complies with the following requirements:

- (a) Every operating theatre must be provided with -
 - (i) a scrubbing-up room or bay, which must immediately adjoin the operating theatre;
 - (ii) a sterilising room;
 - (iii) a theatre sluice-room; and
 - (iv) a recovery room;
- (b) the sterilising room, which adjoins an operating theatre, must be separated by a swing door or other approved type of door;
- (c) the sluice-room, sterilising room and recovery room must be reasonably accessible from the operating theatre; and
- (d) one sluice-room, sterilizing room and recovery room may be used to serve more than one operating theatre.

Ablution and sanitary requirements

85. Any person who operates a nursing home must ensure that the premises complies with the following requirements:

- (a) All bathrooms must be fitted with porcelain enamel or cast-iron enamel baths with a supply of hot and cold running potable water;
- (b) the following number of baths and toilets must be provided for patients:
 - (i) In a maternity home -
 - (aa) the ratio of toilets to patients must not be less than 1:8; and
 - (bb) the ratio of bathrooms to patients must not be less than 1:12;
 - (ii) in any other nursing home -
 - (aa) the ratio of toilets to patients must not be less than 1:12; and
 - (bb) the ratio of bathrooms to patients must not be less than 1:12;
- (c) the following number of baths and toilets must be provided for nursing staff, domestic staff and other employees:
 - (i) the ratio of each of toilets and bathrooms to nursing and domestic staff must not be less than 1:12 respectively; and
 - (ii) the ratio of each of toilets and bathrooms or shower cubicles to other employees must not be less than 1:12 respectively;

- (d) in calculating the number of toilets in terms of paragraph (b), no account must be taken of any toilet contained in a bathroom; and
- (e) every toilet must be equipped with an adequate flushing system maintained in proper working order.

Sluice-rooms

86. Any person who operates a nursing home must ensure that every sluice room located on the premises –
- (a) is a minimum of 7 m² in area and have a minimum width of 2.2 metres;
 - (b) opens into a well-ventilated passage and is accessible to every ward which it serves;
 - (c) has a sluice-pan of approved design and equipped with an adequate flushing system maintained in proper working order;
 - (d) has smooth and impervious shelves or other adequate apparatus for the storage of bed-pans or other sanitary utensils;
 - (e) has, in the case of a maternity home, adequate apparatus for sterilizing bed-pans by steam or boiling water and in the case of a nursing home carrying on a general practice, adequate apparatus for cleaning bed-pans;
 - (f) has an impervious receptacle, with a tight fitting lid and of adequate size, for the reception of soiled dressings; and
 - (g) is used only for –
 - (i) the storage and cleansing of bed-pans and other sanitary utensils;
 - (ii) the temporary deposit of soiled dressings; and
 - (iii) the testing of urine.

Kitchens and sculleries

87. Any person who operates a nursing home must ensure that any kitchen and scullery located on the premises complies with the following requirements:
- (a) Every draining board and top of every table installed, whether as a new installation or by way of replacement, must be constructed of stainless steel, enamelled metal or of another adequate smooth and impervious material;
 - (b) every sink installed, whether as a new installation or by way of replacement, must –
 - (i) be constructed of stainless steel;
 - (ii) have two compartments each with hot and cold running potable water; and
 - (iii) together with its draining board, be installed at least 100mm away from any wall;
 - (c) any wall within 600mm of any part of a sink, draining board or of any table on which food is prepared or handled, must be tiled or treated in some other adequate manner to a minimum height of 1.35 metres above the floor;

- (d) a receptacle with a tight fitting lid suitable for the reception of kitchen refuse, must be provided;
- (e) the receptacle must be kept tightly shut and emptied at least once a day into an external refuse receptacle; and
- (f) a hood or canopy of adequate size, having a flue at least 300mm in diameter and which emits fumes and gasses in such a manner that it creates no public health nuisance, must be provided immediately over any stove where cooking is carried out on the premises.

Storage of foodstuffs

88. Any person who operates a nursing home must ensure that—

- (a) all crockery, cutlery and foodstuffs are stored in a hygienic place and manner;
- (b) adequate refrigeration facilities are provided for the storage of perishable foodstuffs; and
- (c) any room in which fruit and vegetables are stored, is adequately ventilated and equipped with heavy wire shelves and racks.

Layout of rooms

89. No person who operates a nursing home may do so unless the rooms referred to in sections 87 and 88 comply with the following additional requirements:

- (a) The rooms may not be situated in, or share an entrance with, any –
 - (i) ward or room used for sleeping;
 - (ii) sluice-room; or
 - (iii) toilet and urinal;
- (b) the rooms must be provided with adequate racks, shelves and other means to store bulk goods at a minimum height of 225mm above the floor;
- (c) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act, must be provided.

Medicines and poisons

90. Any person who operates a nursing home must ensure that—

- (a) a room or cupboard, of adequate size is set aside, to be used solely for the storage of medicines and drugs;
- (b) every room or cupboard set aside in terms of paragraph (a), is kept locked at all times except when medicines or drugs are being removed from it or returned to it; and
- (c) within that room or cupboard, a separate lockable cupboard or locker is reserved for the storage of poisons, habit-forming drugs and potentially dangerous drugs.

Sterilisation

91. Any person who operates a nursing home must provide adequate apparatus for the sterilisation of instruments.

Laundering

92. If laundering is carried out on the premises of a nursing home, this must take place in accordance with the provisions of Chapter 11.

Reception rooms for soiled articles

93. Any person who operates a nursing home must ensure that—
- (a) the reception room for soiled articles is used exclusively for receiving and sorting soiled articles;
 - (b) a wash-hand basin, supplied with running hot and cold potable water is provided, in each reception room;
 - (c) each reception room is mechanically ventilated in a manner that ensures that any air generated in the room is discharged into the atmosphere; and
 - (d) a separate reception room is provided in any maternity home and used exclusively for receiving and sluicing of baby napkins.

Laundry rooms

94. If laundering is carried out on the premises of a nursing home, the premises that are used for such laundering must comply with the requirements for premises on which a laundry business is conducted as contemplated in section 65 of these By-laws.

Storage rooms

95. Any person who operates a nursing home must ensure that —
- (a) any storage room is used exclusively for the storage and distribution of those articles intended to be stored in such storeroom;
 - (b) any storage room contains adequate moveable shelving made of impervious material;
 - (c) every shelf is a minimum height of 225 mm above the floor;
 - (d) containers used for the reception or conveyance of soiled or laundered articles are adequately marked so that they can be easily distinguishable from one another; and
 - (e) all persons employed in any part of the laundry are provided with, and wear, caps covering their hair and clean overalls made of light-coloured material, of a design approved by an environmental health officer.

Linen

96. Any person who operates a nursing home must ensure that at all times, all linen provided in the premises is –
- (a) of good quality;
 - (b) maintained in good repair; and
 - (c) available in a quantity adequate to ensure the prompt replacement of soiled articles.

Refuse receptacles

97. Any person who operates a nursing home must provide an adequate number of refuse receptacles on the premises.

Accommodation for nursing staff

98. No person may operate a nursing home unless –
- (a) adequate sleeping accommodation is provided for the resident nursing staff employed on the premises;
 - (b) adequate arrangements are made for the separation of the sleeping accommodation of members of the staff on day duty and those on night duty, so as to avoid the undue disturbance of staff sleeping; and
 - (c) a dining-room and separate recreation room is provided for the nursing staff: Provided that one room may be used as a dining and recreation room if the room is adequate for both purposes.

CHAPTER 14**CHILD - CARE SERVICES****Definitions**

99. In this Chapter, unless the context otherwise indicates –

“child-care premises” mean premises on which child-care services are offered;

“child-care service” means any service, whether for gain or otherwise, for the reception, protection, care and bringing-up of more than six children apart from their parents, but does not include any reform school, boarding school, school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by the State, including a provincial administration, as contemplated in the Child Care Act, 1983 (Act No. 74 of 1983).

Permit requirement

100. No person may provide a child-care service except on child-care premises which comply with the requirements of sections 101 to 116 and in terms of a permit authorising that activity.

General requirements for child-care premises

101. A child-care service may only be provided in or on premises which are located, designed, constructed, finished, equipped and in such a condition that children –

- (a) can be cared for hygienically; and
- (b) can be adequately protected against any possible public health hazard and public health nuisance.

Indoor play areas

102. Child-care premises on which children under compulsory school-going age are cared for, must be provided with an indoor play area which must –

- (a) be enclosed by buildings and structures constructed of materials and in a manner that ensures the health and safety of children using that area;
- (b) have a floor which is smooth, easily washable and which prevents the permeation of dampness;
- (c) have a play area with a minimum of 1,5 m² free unobstructed floor space per child, or 3 m² if no outdoor play area is provided, and which is divided by walls or removable partitions into separate indoor play areas in which children of the following age groups are cared for separately at all times:
 - (i) 0-2 years;
 - (ii) 2-4 years; and
 - (iii) 4 years up to compulsory school-going age.

Outdoor play areas

103. If child-care premises have an outdoor play area it must –

- (a) be free of any excavations, steps, projections, levels or any surface which may adversely impact on the health and safety of children using that area;
- (b) provide a minimum outdoor play area of 2 m² per child;
- (c) have an adequate means of enclosure and a lockable gate to prevent a child leaving the premises on his or her own and to prevent the entrance of any animal and unauthorised person; and
- (d) have separate outdoor play areas for the following different age groups:
 - (i) 0-2 years;
 - (ii) 2-4 years;
 - (iii) 4 years up to compulsory school-going age; and
 - (iv) school-going children.

Toilet and wash facilities

104. Child-care premises must have adequate toilet and wash facilities for all children with -

- (a) a ratio of not more than 15 children for each toilet or chemical toilet;
- (b) a ratio of not more than 20 children for each hand wash facility; and
- (c) a supply of hot and cold running potable water must be available at every wash-hand basin, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container, must be available on the premises at all times.

Toilet and wash facilities for children under the age of 2 years

105. Child-care premises must provide the following additional toilet and wash facilities for children under the age of 2 years:

- (a) A separate napkin changing unit for changing the napkins of children under the age of 2 years;
- (b) adequate wash facilities to clean children wearing napkins;
- (c) adequate containers for the storage of clean and soiled napkins.

General requirements

106. No person may provide a child-care service unless the child-care premises comply with the following additional requirements:

- (a) Separate toilet and hand wash facilities must be provided for staff members;
- (b) no child may, at any time, have access to living quarters of staff and adequate measures must be taken to keep the living quarters separate;
- (c) an adequate sick-bay area for the treatment and care of any child who falls ill or who is injured during day care, must be provided;
- (d) an adequate method for hand washing must be provided in the sick-bay area;
- (e) an approved lockable and adequately equipped first aid unit must be provided and maintained in the sick-bay area;
- (f) an adequate office area must be provided;
- (g) an adequate kitchen area, where food is to be handled, prepared, stored and provided to children, must be provided;
- (h) the kitchen area referred to in paragraph (g) must comply with any relevant law;
- (i) a separate storage area of adequate size must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen; and
- (j) a separate designated storage facility of adequate size for the storage of the personal belongings of each child and staff member must be provided.

Resting and play equipment

107. Any person who provides a child-care service must provide –

- (a) adequate child-sized seating and tables for each child;
- (b) adequate individual resting or sleeping places for each child;
- (c) an approved blanket for the individual use of each child; and
- (d) adequate indoor and outdoor play equipment for the children's use.

After-school facilities

108. Any person who provides a child-care service for children of school-going age must provide the following after-school care facilities:

- (a) If an after-school care is provided on the same premises as for the care of children under school going age, the facilities for the two groups of children must be kept totally separate, except for the kitchen and office area;
- (b) an indoor care area of at least 1,5 m² free floor space for each child must be provided;
- (c) an outdoor play area of at least 2 m² for each child must be provided;
- (d) one toilet and one hand-wash facility must be provided for every 20 children, or part of that number, and the facilities must be separately designated for the use of each sex; and
- (e) adequate seating and tables must be provided for each child.

Medical care for children

109. Any person who provides a child-care service or is in charge of child-care premises must –

- (a) in respect of any child who becomes ill or has suffered an injury requiring medical attention –
 - (i) immediately notify the parent or guardian of the child;
 - (ii) immediately call for medical assistance; and
 - (iii) provide necessary care and treatment in the sick-bay area required in terms of section 106(c);
- (b) immediately notify the Council in the event of the illness being a communicable disease;
- (c) ensure that every child has completed basic immunization schedules as considered necessary by the Council;
- (d) comply with the provisions of any relevant legislation and regulations published under the Health Act, 1977 (Act No. 63 of 1977), regarding the exclusion of children from day-care services on account of infectious diseases;
- (e) be trained in basic first aid; and
- (f) only administer medicine to a child with the written consent of that child's parent or guardian.

Safety Measures

110. No person may provide a child-care service unless the following safety measures are complied with:

- (a) Children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article, thing or substance that may be dangerous or cause injury to any child;
- (b) any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used;
- (c) all medicines, pesticides, detergents and other harmful substances must be stored in a locked place inaccessible to any child at all times;
- (d) no noxious or poisonous or dangerous plant or shrub may be permitted on the premises;
- (e) no animals or birds may be kept on the premises;
- (f) no person known or suspected to be suffering from an infectious or contagious disease, and no person so suffering, may be allowed on the premises while, in the opinion of an environmental health officer, the person is capable of communicating the infectious or contagious disease to the children;
- (g) no paddling pool, swimming pool or other structure may be permitted in any child-care service without adequate fencing and a safety net;
- (h) any sandpit must be adequately covered when not in use and must be treated with a treatment agent on a regular basis; and
- (i) any other reasonable measures which may, in the opinion of an environmental health officer, be necessary to protect the children from any physical danger, must be taken by the child-care service provider on the instruction of an environmental health officer.

General duties of a child-care service provider

111. Any person who provides a child-care service must –

- (a) ensure that the children are properly cared for and supervised at all times;
- (b) maintain every part of the premises, including any equipment, in good repair and in a clean and hygienic condition at all times;
- (c) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
- (d) ensure that no person smokes or uses any tobacco product in the presence of children;
- (e) ensure that the toys, books and other indoor play materials intended for day-to-day use are available in any indoor play area and suitably stored so that they are within easy reach of the children;

- (f) ensure that the children are at all times under the direct supervision of an adult in the following ratio:
 - (i) one adult supervisor for every 6 babies between 0-18 months;
 - (ii) one adult supervisor for every 12 children between 18 months and 3 years;
 - (iii) one adult supervisor for every 20 children between 3 and 5 years;
 - (iv) one adult supervisor for every 30 children between 5 and 6 years; and
 - (v) one adult supervisor for every 35 children of school going age;

- (g) if transport to or from a child care service is provided, ensure that –
 - (i) the children are supervised by at least one adult apart from the driver during transport;
 - (ii) the doors of the vehicle are lockable so that they cannot be opened from inside the vehicle;
 - (iii) no children are transported in the front seat or the boot of the vehicle;
 - (iv) no babies are placed under the seat of a vehicle;
 - (v) the vehicle is not overloaded in terms of any applicable law;
 - (vi) the driver of the vehicle holds a valid licence to transport the passengers; and
 - (vii) the vehicle is licensed and is in a road worthy condition;

- (h) when children are transported in the back of an enclosed light commercial vehicle, ensure that no exhaust fumes enter the enclosed area and that it is adequately ventilated;
- (i) if meals are provided, display a two-weekly menu that must be visible to the parents;
- (j) provide nutritionally balanced meals of adequate volume to satisfy the energy needs of the children in each age group;
- (k) provide a laundry area an adequate distance from any area used to care for children or the kitchen, if laundry is done on the premises;
- (l) provide an adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste materials, inside the premises;
- (m) provide an approved refuse area, with adequate refuse bins, for the storage of refuse pending removal;
- (n) provide each child with a towel, preferably disposable, for his or her individual use on the premises;
- (o) provide adequate individually marked pegs or hooks for each child to hang his or her towel on; and
- (p) provide an adequate and easily available supply of toilet paper, soap and tissues for the children's use.

Application for admission

112. Any person who provides a child-care service must ensure that –

- (a) an application form containing the following information is completed by the parent or guardian of every child when he or she is admitted to the child-care service:
 - (i) The child's name and date of birth;
 - (ii) the name, address and telephone number of the parent or guardian;
 - (iii) the place of employment and telephone number of the parent or guardian;
 - (iv) the name, address and telephone number of a responsible person other than the parent or guardian who may be consulted in emergencies; and
 - (v) the name, address and telephone number of the child's doctor together with permission to consult him;
- (b) all application forms are kept for a minimum period of three years from the date a child is discharged; and
- (c) the date of admission and discharge of each child is written on the relevant application form.

Registers

113. Any person who provides a child-care service must keep an admission and discharge register of all children admitted to and discharged from the child-care service, in which –

- (a) the presence or absence of each child is recorded daily; and
- (b) each child's date of birth is recorded.

Medical reports

114. Any person who provides a child-care service must obtain a report from the parent or guardian of each child containing the following health data:

- (a) Information concerning the child's general state of health and physical condition;
- (b) operations, illnesses and any communicable diseases which the child has suffered and the relevant dates;
- (c) details of required immunizations; and
- (d) details of allergies and any medical treatment the child may be undergoing.

General journal

115. Any person who provides a child-care service must keep a journal, in which any important or outstanding event, including any accident on the premises or during transportation of children, and any explanation is recorded.

Medical journal

116. Any person who provides a child-care service must keep a medical journal in which the details and quantity of any medicine given to a child is recorded, and the child-care provider must ensure that the journal is signed daily by the parent or guardian of any child to whom medicine was given.

CHAPTER 15**KEEPING OF ANIMALS****Definitions**

117. In this Chapter, unless the context otherwise indicates -

"agricultural holding" means the same as defined in the applicable Town Planning Scheme;

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit and wild animal;

"aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

"battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

"cattery" means premises in or upon which -

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

"enclosure" in relation to an animal, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

"keeper" means -

- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal;
- (b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business of which it forms part of and the person in charge of the premises in which the animals are kept;

"kennels" means premises in or upon which -

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

"pet" means a domestic animal, bird or poultry kept in a household for companionship or amusement;

"pet parlour" means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

"pet shop" means the premises on which the business of keeping and selling of pets is carried out;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

"poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

"poultry run" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"proclaimed township" means an approved township as contemplated in sections 79, 103, 111 and 141(4) of the Town Planning and Townships Ordinance, 1986, (Ordinance No. 15 of 1986), or a township approved in terms of any prior law relating to townships;

"rabbit hutch" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

"rabbit run" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

"stable" means any building or structure used to accommodate livestock other than poultry;

"wild animal" means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

Part 1: General provisions relating to the keeping of animals

Application of Chapter

118. (1) Subject to the provisions of subsection (2), the provisions of this Chapter do not apply to -
- (a) any agricultural show where animals are kept on a temporary basis; and
 - (b) any laboratory where animals are kept for research purposes.
- (2) The provisions of section 144 apply to the keeping of animals at any agricultural show and at research laboratory.

- (3) No person may, subject to the provisions of section 121, keep or allow to be kept, any animal other than an approved pet on an erf in a proclaimed township, provided the keeping of such pet does not create or constitute a nuisance
- (4) If at any time it appears to an authorized official that the keeping of poultry or rabbits on an erf or agricultural holding, in respect of which a permit has been granted, is likely to constitute a nuisance or danger to the public health, that official may -
 - (a) cancel the permit; or
 - (b) prohibit the keeping of such poultry or rabbits.
- (5) An authorized official must serve a notice on the permit holder or the owner of the erf or agricultural holding concerned, informing him or her of a decision in terms of subsection (1) and instruct the owner to comply with the requirements within the period stated in such notice, which must be at least 48 hours.
- (6) An authorized official must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) An authorized official may, subject to the foregoing provisions of this section, issue a new permit if he is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

Part 2: Keeping of cattle, horses, mules and donkeys

Requirements for premises

119. (1) No person may keep any cattle, horse, mule or donkey in a stable or enclosure that does not comply with the following requirements:
- (a) Every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (c) the height of the walls to the wall plates of the stable must -
 - (i) if the roof is a pitched roof be 2,4 metres;
 - (ii) if the roof is a flat roof be 2,7 metres;
 - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;
 - (d) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey accommodated in it;

- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it except in the case of a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel and drained in terms of section 143;
- (h) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey accommodated in it and the fencing must be strong enough to prevent the animals from breaking out;
- (i) no enclosure or stable may be situated within –
 - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 metres of any water resource or water supply intended or used for human consumption; and
- (j) there must be a water supply adequate for drinking and cleaning purposes next to every stable or enclosure.

Duties of keeper of cattle, horses, mules and donkeys

120. Any person who keeps any cattle, horse, mule or donkey must -

- (a) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal, in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable or enclosure;
- (d) if there is so much manure and bedding that storage receptacles are impractical, provide a manure container or area complying with the following requirements:
 - (i) The manure container or area must be roofed and enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
 - (ii) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water;
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage receptacles or manure container or area until it is removed from the premises;

- (f) remove the contents of the manure storage receptacles or manure container or area from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure receptacles or manure container or area until it is removed from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in connection with the keeping of the animals, in a storeroom or other adequate storage facility; and
- (i) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

Part 3: Keeping of goats and sheep

Application

121. The provisions of sections 122 and 123 also apply to the temporary keeping of a goat on any premises for the provision of milk for medical reasons.

Requirements for premises

122. (1) No person may keep goats or sheep in –

(a) an enclosure which does not comply with the following requirements:

- (i) The minimum overall floor area must be 30 m²; and
- (ii) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it; or

(b) a stable which does not comply with the following requirements:

- (i) Every wall must be constructed of brick, stone, concrete or other durable material;
- (ii) every wall must be at least 2 metres in height and have a smooth internal finish;
- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 143;
- (iv) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6 m²; and
- (v) lighting and ventilation openings totalling at least 0,15 m² per goat or sheep must be provided.

(2) No person may keep goats or sheep in an enclosure or stable within –

- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
- (b) 50 metres of any water resource or water supply intended or used for human consumption.

- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure or stable used to accommodate goats or sheep.

Duties of keeper of goats and sheep

123. Any person who keeps goats or sheep must -

- (a) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (b) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (c) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
- (d) remove all manure from the enclosure or stable at least once every seven days and place it in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (f) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

Part 4: Keeping of poultry

Application

124. The provisions of sections 126(d), (f), (g) and 127(e), do not apply to any person keeping ten or less poultry.

Permit requirement

125. No person may keep more than 10 poultry on an erf in a proclaimed township or 100 poultry on premises zoned for agricultural purposes except in terms of a permit authorising that activity.

Requirements for premises

126. No person may keep poultry in premises which do not comply with the following requirements:

- (a) In relation to a poultry house –
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (iii) the upper floor of a two or more story structure must be constructed of an impervious and easily cleanable material;

- (iv) the minimum floor area must be –
 - (aa) 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;
 - (bb) 0,5 m² for each grown goose, turkey or peacock; and
 - (cc) 0, 14 m² for each grown pigeon; and
- (v) the minimum aggregate floor area must be 4 m²;
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) in relation to a building or structure housing a battery system –
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an environmental health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 143;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (v) the cages of the battery system must be made of an impervious material; and
 - (vi) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (d) a water supply adequate for drinking and cleaning must be provided in or next to every poultry house and poultry run and in or next to a building or structure housing a battery system;
- (e) no poultry house, poultry run, or building or structure housing a battery system, may be constructed within 3 metres of –
 - (i) any dwelling or other building or structure used for human habitation; and
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) feed must be stored in an adequate rodent-proof storeroom;
- (g) adequate washing facilities must be provided for the cleaning of the cages;

- (h) if required by an environmental health officer, due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (i) A roofed platform constructed of concrete or other impervious material;
 - (ii) the platform's outside edges must have a minimum curb of 100 mm high;
 - (iii) the platform must be graded and drained in terms of section 143; and
 - (iv) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

Duties of keeper of poultry

127. Any person who keeps poultry must -

- (a) ensure that all poultry is kept within a poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry, in a clean, sanitary condition and in good repair;
- (c) maintain the premises and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (d) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (e) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (g) place the manure and other waste matter in manure storage receptacles;
- (h) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (i) take adequate measures to keep the premises free of flies, cockroaches and rodents and to prevent offensive odours arising from the keeping of poultry on the premises.

Part 5: Keeping of rabbits

Application

128. The provisions of sections 130(b), (c), (d), (f) and (g), and 131(d), (f) and (g), do not apply to any person keeping ten or less rabbits.

Permit requirements

129. No person may keep more than 5 adult rabbits on an erf in a proclaimed township or more than 20 adult rabbits on premises zoned for agricultural purposes, except in terms of a permit authorising that activity.

Requirements for the premises

130. No person may keep rabbits in premises which do not comply with the following requirements:

- (a) In relation to a rabbit hutch -
 - (i) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (ii) the floor surface must be -
 - (aa) constructed of concrete or other impervious material brought to a smooth finish;
 - (bb) situated at least 150 mm above ground level; and
 - (cc) graded to a channel drained in terms of section 143, if required by an environmental health officer;
 - (iii) adequate ventilation must be provided; and
 - (iv) the rabbit hutch must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (c) in relation to a building or structure housing a battery system -
 - (i) every wall must -
 - (aa) be at least 2,4 metres high;
 - (bb) be constructed of concrete, stone, brick or other durable material; and
 - (cc) must have a smooth internal surface;
 - (ii) if walls are provided, the building or structure must be ventilated and lighted by means of natural openings or windows of an area not less than 15% of the floor area of the building or structure;
 - (iii) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 143;
 - (iv) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - (v) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (d) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;

- (e) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
 - (i) any dwelling, building or other structure used for human habitation;
 - (ii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iii) the nearest boundary of any land;
- (f) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (g) adequate washing facilities must be provided for the cleaning of cages.

Duties of keepers of rabbits

131. Any person who keeps rabbits must -

- (a) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, containers or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from pests;
- (d) provide portable manure storage receptacles of an impervious material with close-fitting lids which receptacles must be kept on a platform;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (f) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- (g) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

Part 6: Keeping of birds other than poultry

Requirements for the premises

132. No person may keep any bird, other than poultry, in an aviary which does not comply with the following requirements:

- (a) the aviary must be constructed of durable rodent-proof material;
- (b) adequate access must be provided for cleaning purposes;
- (c) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (d) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (e) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

Duties of keepers of aviaries

133. Any person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (b) provide and use rodent-proof facilities for the storage of bird food; and
- (c) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

Part 7: Kennels and catteries

Requirements for premises

134. No person may use premises as kennels or a cattery except in terms of a permit authorising that activity and unless the premises comply with the following requirements:

- (a) Every dog or cat must be kept in an enclosure which complies with the following requirements:
 - (i) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (ii) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
 - (iii) a curb 150 mm high must be provided along the edge of the channel, referred to in subparagraph (ii), to prevent any storm water runoff entering the channel; and
 - (iv) the enclosure must be adequate in size to allow free unobstructed movement of animals kept therein.
- (b) subject to the provisions of paragraph (c), every enclosure referred to in paragraph (a), must be provided with an adequate roofed shelter that complies with the following requirements:
 - (i) Every wall must be made of brick, stone, concrete or other impervious material;
 - (ii) every wall must have a smooth internal surface;
 - (iii) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (iv) every shelter must have adequate access for cleaning and eliminating pests;
- (c) a dog kennel which complies with the following requirements may be provided instead of the shelter contemplated in paragraph (b):
 - (i) The kennel must be constructed of an approved weatherproof and insulating material or other similar material;

- (ii) the kennel must be movable;
 - (iii) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (iv) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (d) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
 - (e) the apron must be graded and drained in a way that drains storm water away from the enclosure;
 - (f) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
 - (g) any cage in which cats are kept must be constructed of durable impervious material and in a manner that it may be easily cleaned; and
 - (h) no shelter, enclosure or kennel may be situated within five metres of any –
 - (i) dwelling or other building or structure used for human habitation;
 - (ii) place where food is stored and prepared for human consumption; or
 - (iii) the boundary of the premises.

Food preparation areas

135. Any keeper of kennels or a cattery who is so instructed by an environmental health officer, must provide a separate room or roofed area for the preparation of food which complies with the following requirements:

- (a) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (c) adequate washing facilities for food bowls and utensils must be provided; and
- (d) a rodent-proof storeroom must be provided for the storage of food.

Duties of a keepers of kennels or catteries

136. Any person operating kennels or a cattery must –

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (c) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (e) store all loose food in receptacles, with close fitting lids, in the food store;

- (f) provide adequate refrigeration facilities to store perishable foods on the premises;
- (g) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (h) keep any sick dog or cat isolated from any other animals; and
- (i) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.
- (j) ensure that no dog or cat disturbs the comfort, convenience, peace and quiet of the public.

Part 8: Pet shops and pet parlours

Requirements for premises

137. No person may operate a pet shop or pet parlour in or on any premises which do not comply with the following requirements:

- (a) Any wall and partition must –
 - (i) be constructed of brick, concrete or other impervious material;
 - (ii) have a smooth and easily cleanable internal surface; and
 - (iii) be painted with a washable paint or other adequate finish;
- (b) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
- (c) all ceilings must be dust proof and easily cleanable;
- (d) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
- (e) the wash hand basins, referred to in subparagraph (d), must be drained in terms of section 143;
- (f) adequate storage facilities must be provided;
- (g) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (i) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (ii) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (h) the platform, sink or trough referred to in paragraph (g) must be drained in terms of section 143;
- (i) any wall surface within 0,5 metres of the platform, sink or trough referred to in paragraph (g), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;

- (j) a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must –
 - (i) have a floor area providing at least 0,5 m² for each employee;
 - (ii) have a minimum overall floor area of 6 m² and width of two metres; and
 - (iii) be equipped with an adequate metal locker for each employee;
- (k) if no changeroom is required in terms of paragraph (j), each employee must be provided with an adequate metal locker;
- (l) for the purposes of washing, clipping or grooming of pets –
 - (i) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (ii) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (iii) at least 50 % of the floor area of the rooms referred to in subparagraphs (i) and (ii), must be unobstructed; and
 - (iv) the floors of the rooms referred to in subparagraphs (i) and (ii), must be graded to a channel drained in terms of section 143;
- (m) all buildings, including storage areas, must be rodent-proof; and
- (n) the premises may not have direct internal access with any room or place –
 - (i) used for human habitation;
 - (ii) where clothing is stored or sold; or
 - (iii) where food is prepared, stored or sold for human consumption.

Duties of pet shop or pet parlour keepers

138. Any keeper of a pet shop or pet parlour must –

- (a) provide cages for housing the pets which comply with the following requirements:
 - (i) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (ii) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (iii) the cages must be able to be moved easily;
 - (iv) where rabbits are kept in a cage, the metal floor-tray referred to in subparagraph (i), must be drained to a removable receptacle;
 - (v) the cages must be fitted with a drinking vessel filled with water;
 - (vi) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (vii) the cages must be kept a minimum of 450 mm above floor level; and
 - (viii) the space below every cage must be unobstructed;

- (b) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the storage facilities required in terms of section 137 (f);
- (c) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (d) ensure that in any room in which the pets are kept –
 - (i) 50 % of the floor space is unobstructed; and
 - (ii) the cages are placed a minimum of 800 mm from one another;
- (e) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop or pet palour, in a clean and sanitary condition, free from pests and in good repair;
- (f) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (g) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
- (h) provide an adequate supply of potable water for drinking and cleaning purposes;
- (i) provide adequate ventilation to ensure the comfort and survival of the pets; and
- (j) ensure that the number of pets contained in each cage does not impede their free movement.

Part 9: Keeping of wild animals

Requirements for the premises

139. No person may, without the approval of the relevant nature conservation authorities, keep wild animals on premises which do not comply with the following requirements:

- (a) Every wild animal must be kept in an enclosure and/or housing constructed and equipped as follows:
 - (i) The enclosure and/or housing must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (ii) the enclosure and/or housing may not be situated within 50 metres of –
 - (aa) any boundary of the premises;
 - (bb) any dwelling, building or structure used for human habitation;
 - (cc) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (dd) any water resource intended for domestic consumption;
 - (iii) an adequate supply of potable water for drinking and cleaning purposes must be provided; and

- (iv) the enclosure and/or housing must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (b) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and drained in accordance with section 143, must be provided for the preparation of food;
- (c) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either –
 - (i) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (ii) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (d) both facilities referred to in paragraph (c) must be provided with a supply of running water adequate for drinking and cleaning and be drained in accordance with section 143;
- (e) any area and room in which fodder and food are stored must be rodent-proof; and
- (f) the enclosure and/or housing must be adequate in size to allow free unobstructed movement of animals kept therein.

Duties of keepers of wild animals

140. Any person who keeps wild animals must –

- (a) maintain the premises in a clean and sanitary condition at all times;
- (b) clean all manure and food scraps from any enclosure and/or housing at adequate intervals;
- (c) prevent the soil beneath or around any enclosure and/or housing from becoming saturated with urine or polluted by any other matter or liquid; and
- (d) remove all bedding from any housing at least once every seven days and store it in a manure receptacle or manure container or area, until it is removed from the premises.

Part 10: Keeping of pigs

Requirements for premises

141. No person may keep pigs on premises which do not comply with the following requirements:

- (a) Every wall must –
 - (i) be constructed of brick, stone, concrete or other durable material;
 - (ii) have a minimum height of 1,5 metres; and
 - (iii) have a smooth, impervious internal surface;
- (b) the floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;

- (c) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
- (d) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (i) be situated opposite one another in the external walls; and
 - (ii) provide a minimum of 0,15 m² for each pig;
- (e) the floor must be –
 - (i) at least 150 mm above the surrounding ground level;
 - (ii) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (iii) graded for the run-off of liquids into an open channel outside the pigsty;
- (f) the open channel referred to in paragraph (e)(iii) must –
 - (i) be constructed of concrete or other durable and impervious material;
 - (ii) be a minimum of 100 mm in diameter; and
 - (iii) be drained in terms of section 143;
- (g) the pigsty must be strong enough to prevent the pigs breaking out;
- (h) the pigsty may not be situated within 100 metres of –
 - (i) the boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any place where foodstuffs are stored or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
- (i) a roofed over concrete platform must be provided for –
 - (i) the storage of all swill in containers; and
 - (ii) the preparation of pig feed;
- (j) the platform referred to in paragraph (i) must comply with the provisions of paragraph (e) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (k) a water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

Duties of keepers of pigs

142. Every person keeping pigs must -

- (a) ensure that every pig is kept within a pigsty;
- (b) maintain the premises and any equipment, apparatus, containers and receptacles concerned in a clean and sanitary condition and in good repair;

- (c) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (d) keep all manure storage receptacles on a platform that complies with the provisions of section 141 (j);
- (e) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (f) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (g) provide a rodent-proof store-room of adequate size in which all feed, other than swill, must be stored; and
- (h) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

Part 11: General provisions

Drainage

143. Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this Chapter, are drained in accordance with the provisions of the National Building Regulations and Building Standards Act.

Dangerous animals

144. (1) No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.
- (2) Any person who keeps any animal which is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the enclosure or pose a danger to the residents of, or visitors to, the premises or any other person.

Requirements for keeping of bees

145. (1) No person may keep bees on any premises unless –
- (a) that person is the holder of a permit authorising that activity; and
 - (b) every bee hive is situated –
 - (i) a minimum of five metres from any boundary of the premises; and
 - (ii) a minimum of twenty metres from any public place or building used for human habitation or from any place used for the keeping of animals, poultry and birds;
 - (c) the bees are kept in an approved bee hive; and

- (d) the bee hive is –
 - (i) kept in an area inaccessible to children and animals;
 - (ii) kept in the shade at all times; and
 - (iii) supplied with a source of drinking water within five metres of the hive.
- (2) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive.

Illness attributable to animals, poultry or birds

- 146. (1) The illness of any person, which may be attributed to any animal, poultry or bird kept or handled by that person, must be reported to an environmental health officer within 24 hours of diagnosis, by the person making the diagnosis.
- (2) An environmental health officer may order the removal of an animal, poultry or bird from premises if he or she reasonably believes that the animal poses a public health nuisance or public health hazard.

Keeping of and slaughtering animals for religious and ceremonial purposes

- 147. (1) Any person who keeps an animal prior to slaughtering it for any religious or ceremonial purposes, must comply with the provisions of this Chapter applicable to the animal concerned.
- (2) A person intending to slaughter an animal in any place other than in a recognised abattoir must -
 - (a) notify the Council in writing, fourteen days prior to the event;
 - (b) slaughter the animal in a position where the slaughtering cannot be observed by any person on neighbouring premises or any member of the public;
 - (c) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
 - (d) handle the meat in a hygienic manner at all times;
 - (e) dispose of any portions of the animal which are not used or consumed, in a manner which will not become a public health hazard or public health nuisance; and
 - (f) not keep such animal prior to slaughtering for a period in excess of 24 hours.

CHAPTER 16**MISCELLANEOUS****Offences and penalties**

148. (1) Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws; or
- (b) fails to comply with any notice issued in terms of or for the purposes of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws; or
- (d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Serving of notices

149. (1) A notice, order or other document is regarded as having been properly served if –

- (a) it has been delivered to the person concerned personally;
- (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
- (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
- (d) if the address of the person concerned in the Republic of South Africa is unknown, if it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
- (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.

- (2) A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to the owner or occupier of the specified premises and need not bear the name of the owner or occupier.

Application to the State

150. These By-laws bind the State, including the Council.

Repeal

151. The By-laws listed in Schedule 3 are hereby repealed.

Short title

152. These By-laws are called the Public Health By-laws, 2003.

SCHEDULE 1**PUBLIC HEALTH NUISANCES****General Nuisances**

1. An owner or occupier of premises creates a public health nuisance if he or she causes or allows -
 - (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
 - (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, water-closet, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
 - (c) 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;
 - (d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
 - (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
 - (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
 - (g) any factory or industrial or business premises not to be kept in a clean 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 gas, vapour, dust or other impurity 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;
 - (h) any factory or industrial or business premises to cause or give rise to any smell or effluvium which is offensive or injurious or dangerous to health;
 - (i) any building, room or structure to be used wholly or partly by a greater number of persons than will allow less than 11,3 m³ of free air space and 3,7 m² of floor space for each person aged 10 years or more and 5,7 m³ of free air space and 1,9 m² of floor space for each person less than 10 years of age; or
 - (j) any other activity, condition or thing declared to be a nuisance by the Minister in terms of the Health Act, 1977.

Pest control

2. (1) An owner or occupier of premises creates a public health nuisance if -
- (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
 - (b) flies are being attracted to, or can breed on, the premises, in significant numbers because -
 - (i) insufficiently rotted manure or any other organic material is being kept or used; or
 - (ii) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
 - (c) mosquitoes can breed in significant numbers on the premises because -
 - (i) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - (ii) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
 - (iii) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
 - (iv) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.
- (2) The following measures are approved measures for the purposes of subsection (1)(c)(iv) -
- (a) draining accumulated water at least once every seven days;
 - (b) covering accumulated water with oil at least once every seven days; and
 - (c) in the case of wells, providing a mosquito-proof cover and a pump.

Air pollution

3. An owner or occupier of premises creates a public health nuisance if-
- (a) any waste on the premises is burned outside except in an approved appliance;
 - (b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner or quantity that is sufficient to have an adverse impact on public health;
 - (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health; or

- (d) Any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner or quantity that is sufficient to have an adverse impact on public health.

Fouling and littering of public places and open spaces.

- 4. (1) A person creates a public health nuisance if he or she throws, dumps, stores, keeps or drops refuse, rubbish, glass, tins, paper, car wrecks or parts of motor vehicles, dead animals, waste water or flushing water or other litter or waste, whether liquid or solid, on or in a street, road, bridge, thoroughfare, open space, vacant stand, public place or erf, spruit or watercourse, or cause or permit it to be thrown, dumped or dropped there, or cause or permit any such liquid to flow into such a place.
- (2) The person who has contravened subitem (1), must remedy, to the satisfaction of the environmental health officer, any damage to the environment which resulted from such contravention.

SCHEDULE 2

SCHEDULED USES

(Sections 1, 8, 9 and 11)

The activities and uses of premises listed in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified in the relevant Chapter of these By-laws and where required, in a permit, are taken to avoid the risk or to reduce it to a level acceptable to the Council.

Part A: Activities for which a permit is required

Section	Activity
30	Provision of service to remove human excrement or urine
31	Installation of sewage works
45	Offensive trades
52	Hairdressing, beauty and cosmetology services
61	Accommodation Establishments
77	Nursing homes used for maternity purposes and for medical and surgical purposes
100	Child care services
125	Keeping of poultry
129	Keeping of rabbits
134	Dog Kennels and catteries
144	Keeping dangerous animals
145	Keeping bees

Part B: Scheduled uses

Chapter	Scheduled use
4	Sanitary services
5	Private Sewage Works
6	Water
7	Offensive Trades
8	Hairdressing, Beauty and Cosmetology Services
9	Second-hand Goods
10	Accommodation Establishments
11	Dry Cleaning and Laundry Establishments
12	Swimming Pools and Spa-Baths
13	Nursing Homes
14	Child-Care Services
15	Keeping of Animals

SCHEDULE 3:**REPEALED BY-LAWS**

Number and year	Name of By-laws	Extent of Repeal
Administrator's Notice 11 dated 12 January 1949	Johannesburg Municipality: Public Health By-laws	Whole
Administrator's Notice 11 dated 12 January 1949	Roodepoort Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Sandton Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Randburg Municipality: Public Health By-laws	Whole
Administrator's Notice 148 dated 21 February 1951	Midrand Municipality: Public Health By-laws	Whole
Administrator's Notice 950 dated 18 November 1953	Midrand Municipality: Fishmongers and Fish Bakers By-laws	Whole
Administrator's Notice 435 dated 18 May 1955	Peri-Urban Areas Health Board: By-laws relating to the Keeping of Bees as applied in Randburg and Midrand	Whole
Administrator's Notice 1269 dated 12 November 1969	Johannesburg Municipality: Second Hand Goods By-laws	Whole
Administrator's Notice 1764 dated 15 December 1971	Sandton Municipality: By-laws for Controlling and Prohibiting the Keeping of Pigs	Whole
Administrator's Notice 819 dated 24 May 1972	Midrand Municipality: Standard Milk By-laws	Whole

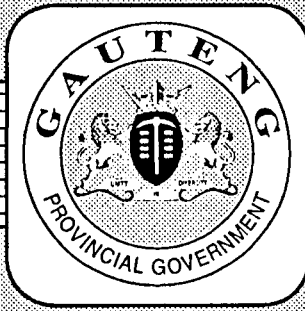
Administrator's Notice 884 dated 7 June 1972	Sandton Municipality: Standard Milk By-laws	Whole
Administrator's Notice 1762 dated 7 June 1972	Randburg Municipality: Standard Milk By-laws	Whole
Administrator's Notice 1212 dated 19 July 1972	Sandton Municipality: By-laws relating to the Keeping of Bees	Whole
Administrator's Notice 1962 dated 15 November 1972	Johannesburg Municipality: Standard Milk By-laws	Whole
Administrator's Notice 354 dated 28 February 1973	Midrand Municipality: Peri-Urban Areas Health Board: Standard Food Handling by-Laws	Whole
Administrator's Notice 856 dated 28 May 1975	Johannesburg Municipality: Hairdressers By-laws	Whole
Administrator's Notice 246 dated 3 March 1976	Johannesburg Municipality: Food-vending By-laws	Whole
Administrator's Notice 1931 dated 21 December 1977	Midrand Municipality: Hawking of Food By-laws	Whole
Administrator's Notice 1784 dated 29 November 1978	Johannesburg Municipality: Noise Control By-laws	Whole
Administrator's Notice 955 dated 29 August 1979	Randburg Municipality: Noise Abatement By-laws	Whole
Administrator's Notice 1138 dated 3 October 1979	Sandton Municipality: By-laws to Control the Hawking of Food and Livestock	Whole
Administrator's Notice 1433 dated 5 December 1979	Midrand Municipality: Noise Abatement By-laws	Whole
Administrator's Notice 13 dated 2 January 1980	Roodepoort Municipality: Noise Control By-laws	Whole
Administrator's Notice 1277 dated 10 September 1980	Randburg Municipality: Noise Abatement By-laws	Whole
Administrator's Notice 317 dated 2 March 1983	Johannesburg Municipality: Swimming Pool By-laws	Whole
Government Notice R.2607 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Second Hand Goods as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole

Government Notice R.2608 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Control over Places of Care within the Area of Jurisdiction of Local Authorities as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Administrator's Notice 2111 dated 14 December 1983	Roodepoort Municipality:	Whole
Administrator's Notice 332 dated 29 February 1984	Johannesburg Municipality: By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry and Pets	Whole
Government Notice R.1253 dated 22 June 1984 as amended by Government Notice 1986 dated 6 September 1985 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to the Control of Slums as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Administrator's Notice 2336 dated 19 December 1984	Johannesburg Municipality: By-laws for Accommodation Establishments	Whole
Administrator's Notice 2208 dated 9 October 1985	Roodepoort Municipality: Standard By-laws Relating to the Keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry and Pets	Whole
Administrator's Notice 1921 dated 22 January 1986	Midrand Municipality: By-laws Relating to Amusement Machines	
Administrator's Notice 43 dated 14 January 1987	Randburg Municipality: By-laws relating to the Keeping of Animals, Birds and Poultry and Businesses involving the keeping of Animals, Birds, Poultry and Pets	Whole

Local Authority Notice dated 30 November 1988	Sandton Municipality: Standard By-laws Relating to the Keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry and Pets	Whole
Local Authority Notice 8 dated 3 January 1990	Randburg Municipality: By-laws to Control Food Vending Machines and the Hawking of Food and Livestock	Whole
Local Authority Notice 4182 dated 21 November 1990	Johannesburg Municipality: Slums Regulations	Whole
Local Authority Notice 2006 dated 12 June 1991	Randburg Municipality: Regulations Regarding Housing Nuisances	Whole
Local Authority Notice 4193 dated 30 October 1991	By-laws for the Prohibition of Smoking in Theatres, Bioscopes, Community Halls and Lifts	Whole
Local Authority Notice 123 dated 8 January 1992	Roodepoort Municipality: Slums Regulations	Whole
Administrator's Notice 100 dated 17 March 1993 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to the Control and Keeping of Certain Animals as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice 1660 dated 26 May 1993	Johannesburg Municipality: Health By-laws for Childminder Services	Whole
Local Authority Notice 2109 dated 23 June 1993	Sandton Municipality: Standard Health By-laws for Pre-school Institutions	Whole

CONTINUES ON PAGE 249—PART 2

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

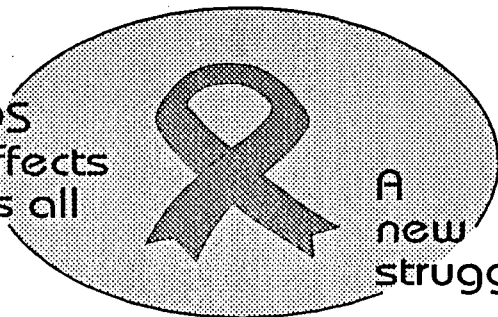
Vol. 10

PRETORIA, 21 MAY
MEI 2004

No. 179

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
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DEPARTMENT OF HEALTH

PART 2 OF 2



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LOCAL AUTHORITY NOTICE

NOTICE 831 OF 2004

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

PUBLIC OPEN SPACES BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Public Open Spaces By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

PUBLIC OPEN SPACES BY-LAWS

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SCHEDULE 1

REPEALED BY-LAWS

CHAPTER 1**INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Definitions and interpretation**

1. (1) In these By-laws, unless the context otherwise indicates –

“active game” means any physical sport, game or other activity participated in by one or more persons which is undertaken within a public open space other than in an area set aside for that purpose, and which may cause injury to other users of the public open space, a nuisance or damage to vegetation or municipal property within a public open space and includes rugby, golf, archery, football, tennis, badminton, hockey, netball, volleyball, skateboarding, roller-skating and in-line skating;

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

“conservation public open space” means public open space which is managed by or on behalf of the Council for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;

“Council” means –

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

“designated area” means an area designated by the Council as an area in which an active game or any other activity or conduct, which would otherwise be prohibited under Chapter 3 of these By-laws, may be undertaken;

“environment” means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of paragraphs (a) and (b) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

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

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

"local community" means that body of persons comprising –

- (a) the residents of the area in which a public open space is situated;
- (b) the ratepayers of the area in which a public open space is situated; and
- (c) any civic organisation and non-governmental or private sector organisation or body which are involved in local affairs in the area in which a public open space is situated;

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

"municipal property" means any structure or thing owned or managed by or on behalf of the Council and which is incidental to the use and enjoyment of a public open space and includes any building, lapa, kiosk, bench, picnic table, playground equipment, fountain, statue, monument, fence, pole, notice and sign;

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

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

- (a) the health or well-being of any person;
- (b) the use and enjoyment by an owner or occupier of his or her property; or
- (c) the use and enjoyment by a member of the public of a public open space;

"organ of State" means –

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

- (b) any other functionary or institution –
- (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) or a provincial Constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

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

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

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

“prohibited activity” means any activity or behaviour which is prohibited in terms of Chapter 3 from being undertaken in a public open space, either completely or without permission in terms of section 21, 22 or 23;

“public open space” means any land which –

- (a) is owned by an organ of State, or
- (b) over which an organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor-General, on which is marked the land to which the public has a common right of use; and
- (c) is controlled and managed by the Council; and
- (d) is either –
 - (i) set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public recreation, conservation, the installation of public infrastructure or agriculture; or
 - (ii) predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

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

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

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

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

"urban agricultural public open space" means public open space which is managed by or on behalf of the Council for urban agricultural purposes;

"vehicle" means a device designed or adapted mainly to travel on wheels, but excludes a wheelchair and children's pushchair and perambulator;

"waste" means any substance or article which a person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;

"watercraft" includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device;

"water body" means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river and wetland.

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Application of By-laws

2. (1) These By-laws apply to every public open space which falls under the jurisdiction of the Council, but do not apply to cemeteries.
- (2) These By-laws are binding on the State.

Purpose of By-laws

3. The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework-
 - (a) to ensure that the way in which the Council controls, manages and develops public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Johannesburg, including future generations; and

- (b) which clearly defines the rights and obligations of the public in relation to public open spaces.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

Principles of By-laws

4. (1) Public open spaces must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –
- (a) the long-term collective interests of the people of Johannesburg, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;
 - (b) a long-term perspective, which takes account the interests of future generations, must be adopted; and
 - (c) the interests of other living organisms which depend on public open spaces must be taken into account.
- (2) Public open spaces must be managed in an environmentally sustainable manner.
- (3) Subject to the provisions of subsection (5) and section 7, people must be given access to public open spaces on a non-discriminatory and equitable basis.
- (4) If necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.
- (5) Access to a public open space may be restricted in a manner which does not unjustifiably discriminate against any person or class of persons–
- (a) if the restriction is authorised by these By-laws or by any other law; or
 - (b) in order to achieve the purposes of these By-laws.
- (6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.
- (7) Local communities must be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

Application of principles

5. The public open space management principles set out in section 4, and the national environmental management principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), must be considered and applied by any person –
- (a) exercising a power or function or performing a duty under these By-laws;
 - (b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of, public open spaces within the Council's jurisdiction; or
 - (c) exercising a public power or function or performing a public duty which is likely to have a significant effect on, or which concerns the use of, public open spaces.

General powers of Council

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

Fees

7. Any member of the public must pay –
- (a) a prescribed fee to use recreational or other facilities which the Council provides within any public open space;
 - (b) a prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other public open spaces, such as botanical gardens;
 - (c) a prescribed fee for the right to undertake a special event;
 - (d) a prescribed fee for the right to exclusively use municipal property for a specific period;
 - (e) a deposit prior to undertaking a prohibited activity permitted by the Council;
 - (f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
 - (g) a prescribed fee for processing applications for permits or letters of permission under these By-laws,

if such a fee or deposit has been determined by the Council.

Restricting access

8. The Council may restrict access to any public open space or to any part of a public open space for a specified period of time –
- (a) to protect any aspect of the environment within a public open space;
 - (b) to reduce vandalism and the destruction of property;
 - (c) to improve the administration of a public open space;
 - (d) to develop a public open space;
 - (e) to enable a special event which has been permitted in terms of section 22, to proceed; or
 - (f) to undertake any activity which the Council reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

Powers of authorised officials

9. In relation to any public open space, an authorized official may –
- (a) to the extent authorised by the Council administer, implement and enforce the provisions of these By-laws;
 - (b) issue a notice in terms of section 20;
 - (c) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these By-laws, and fails to immediately terminate such contravention upon the instruction of that official; and
 - (d) if such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Obligations in relation to public open spaces

10. (1) The Council must within a public open space display any notice required under these By-laws.
- (2) In relation to recreational public open spaces, the Council must –
- (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and
 - (b) prominently display a notice at every entrance indicating:
 - (i) the opening and closing times of that recreational public open space; and
 - (ii) any rules made by the Council in relation to that recreational public open space.

CHAPTER 3**PROHIBITED CONDUCT****Prohibited activities**

11. (1) Any person who undertakes an activity or behaves in a manner that is prohibited in terms of these By-laws, commits an offence unless, in addition to any exceptions contained in sections 12 to 19, that activity or conduct—
- (a) takes place in a designated area within which that activity or conduct is allowed; or
 - (b) is authorised in terms of a permission granted or permit issued in terms of section 21, 22 or 23; or
 - (c) is deemed to be authorised by the Council under subsection (2).
- (2) Subject to the provisions of subsection (3), a person is not in contravention of any provision of section 12 to 19 if that person needs to undertake the prohibited activity —
- (a) to perform his or her obligations as an employee, agent or contractor of the Council under his or her contract with, or mandate from, the Council or to achieve the purposes of these By-laws;
 - (b) to carry out public duties as an employee, agent or contractor of an organ of State within a public open space which is subject to a public utility servitude in favour of that organ of State;
 - (c) to fulfil his or her duties as an authorised official; or
 - (d) to fulfill his or her duties as a peace officer.
- (3) Subsection (2) must not be interpreted to allow a contravention of section 12(a) or (e) or any activity which the Council has expressly refused to permit.

General prohibition

12. No person may within a public open space —
- (a) act in a manner which is dangerous to life or property;
 - (b) contravene the provisions of any notice within any public open space;
 - (c) unlawfully enter a public open space to which access has been restricted in terms of section 8;
 - (d) cause a nuisance; or
 - (e) behave in an indecent or offensive manner.

Prohibited use

13. No person may within a public open space —
- (a) bathe, wade, or swim in or wash him- or herself, an animal or any object, including clothing, in any water body;
 - (b) make, light or otherwise start a fire except in a facility provided by the Council for that purpose;

- (c) camp or reside;
- (d) consume, brew, store or sell any alcoholic beverage;
- (e) use any sound equipment, including a radio, portable hi-fi or car stereo;
- (f) play an active game, except in an area designated for that purpose on a sport playing field or on a golf course; or
- (g) shoot a projectile of any nature.

Waste

14. No person may within a public open space –

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

Vehicles

15. No person may within a public open space –

- (a) except at times specified and on roads or pathways provided by the Council, drive, draw or propel any vehicle other than a bicycle;
- (b) drive, draw or propel a vehicle in excess of five kilometres per hour; or
- (c) park a vehicle in a public open space, except in designated area or other area where parking is otherwise permitted by the Council.

Vegetation and animals

16. (1) Subject to the provisions of subsection (2), no person may within a public open space –

- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
- (b) affix or place any printed matter on a tree;
- (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;
- (f) disturb, damage or destroy any bird nest or egg;
- (g) ride a horse, except-
 - (i) in a public open space or any part thereof designated by the Council for that purpose; and
 - (ii) a person who in the performance of his or her official duties, patrols a public open space on horseback;
- (h) walk, carry, ride or bring an animal other than a horse or dog; or
- (i) walk any dog unless-
 - (i) it is in a public open space or any part thereof which has not been designated by the Council as an area where no dogs are allowed, and it is on a leash and under control of a person; or

- (ii) it is in a public open space or any part thereof designated by the Council as an area where dogs may run free:

Provided that if any dog excretes in a public open space, the person in control of the dog must immediately remove such excrement and dispose of it in a waste bin or other receptacle provided by the Council for that purpose.

- (2) The provisions of subsection (1)(a) and (c) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.

Municipal property and erection of structures

17. (1) Subject to the provisions of subsection (2), no person may within a public open space –
- (a) deface, damage, destroy or remove any municipal property;
 - (b) disturb the surface of any land, whether by digging, undertaking any earthworks or otherwise;
 - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
 - (d) affix or place on any municipal property, or distribute, any printed matter; or
 - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of subsection (1)(b) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.

Selling and special events

18. (1) No person may within a public open space –
- (a) use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property; or
 - (b) except within a public open space or part thereof, which has been let to a person by the Council for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;
- (2) No person may undertake a special event, except in terms of a permit issued in terms of section 22.

Community service

19. Except in terms of an agreement entered into in terms of section 24, no person may within a public open space undertake any community or voluntary work of any description.

Restoration or removal notices

20. (1) Unless permission or a permit to do so has been obtained in terms of section 21, 22 or 23, an authorised official may issue a restoration or removal notice to any person who has in a public open space –
- (a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;
 - (b) erected, built or assembled a structure; or
 - (c) dumped, discarded or deposited any waste, other than in a receptacle provided by the Council for that purpose.
- (2) The restoration or removal notice may direct the person concerned within a reasonable time specified in the notice to take stated reasonable steps specified in the notice-
- (a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Council; or
 - (b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4**APPLICATIONS FOR AUTHORISATION****Application for permission**

21. (1) Any person who wants to undertake a prohibited activity must make application in writing to the Council for permission to do so, which application must be accompanied by the prescribed fee.
- (2) The Council may, after receiving an application, request the applicant to provide additional information which the Council reasonably requires in order to consider the application.
- (3) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and if the prescribed fee has not been paid.
- (4) Subject to the provisions of subsections (2) and (3), the Council must consider the application within a reasonable time and must either-
- (a) refuse the application; or
 - (b) grant permission in writing to the applicant subject to such conditions as the Council may consider appropriate to best achieve the purposes of these By-laws, which may include payment of a deposit, a prescribed fee or both.
- (5) The Council may not grant permission for any person to behave in a manner which is prohibited in terms of section 12(a) or (e).

Application for a special event permit

22. (1) An application for permission to hold a special event in a public open space must be made at least 21 days prior to the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause shown, be reduced by the Council.
- (3) An application in terms of subsection (1), must contain the following information:
- (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
 - (b) the nature and purpose of the special event;
 - (c) the intended route or area proposed to be used for purposes of the special event; and
 - (d) any permission required under Chapter 3 of these By-laws.
- (4) Subject to any permit conditions imposed by the Council, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other person during the period specified in the permit.

Application for permission to farm in an urban agricultural public open space

23. (1) An application for permission to farm in an urban agricultural public open space must contain the following information:
- (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
 - (b) the nature of the agricultural activity that the applicant proposes to undertake; and
 - (c) the size and location of the area on which the applicant wishes to undertake the proposed agricultural activity.
- (2) A permit under this section may require the permit holder to pay an annual or monthly fee for the use of the land.
- (3) The holder of an urban agricultural permit may, subject to any condition specified in the permit, use the area of public open space specified in the permit for agricultural purposes to the exclusion of any other person.

CHAPTER 5**CO-OPERATIVE MANAGEMENT AGREEMENTS****Entering into agreements**

24. (1) The Council may enter into a written agreement with any organ of State, local community or organization to provide for –
- (a) the co-operative development of any public open space; or
 - (b) the co-operative management of any public open space; and
 - (c) the regulation of human activities within a public open space.
- (2) The Council may not enter into an agreement in terms of subsection (1) (b) unless it reasonably believes that entering into such an agreement will promote the purpose of these By-laws.
- (3) The Council must monitor the effectiveness of any agreement entered into in terms of subsection (1), in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Council has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

CHAPTER 6**TREE PRESERVATION ORDERS****General**

25. (1) If the Council believes that any tree or group of trees in a public open space requires legal protection the Council may issue a tree preservation order in respect of that tree or group of trees.
- (2) A tree preservation order-
- (a) must indicate the tree or trees to which it relates; and
 - (b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of the tree or trees to which it relates, commits an offence.
- (3) The Council must prominently display a copy of a tree preservation order issued within 3 metres of the tree or trees to which the order relates.

Procedure

26. Unless, in the Council's opinion, the issuing of a tree preservation order is required as a matter of urgency, the Council must, before issuing a tree preservation order in terms of section 25–

- (a) give notice of the proposal to protect the tree or group of trees and invite comments and objections within a specified period, by publishing a notice in the *Provincial Gazette* and in two newspapers circulating in the area in which the tree or group of trees is situated;
- (b) notify any affected organs of State; and
- (c) consider any comments and objections received in response to the notice.

CHAPTER 7

MISCELLANEOUS

Offences and penalties

27. (1) Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice or other document issued or displayed in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these By-laws

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal

28. The laws listed in Schedule 1 to these By-laws are hereby repealed.

Short Title

29. These By-laws are called the Public Open Spaces By-laws, 2003.

SCHEDULE 1**REPEALED BY-LAWS**

Number and Year	Name of By-laws	Extent of Repeal
Administrator's Notice 50 dated 23 January 1963	Transvaal Board for the Development of Peri-Urban Areas: By-laws Relating to Parks, Gardens, Pleasure Resorts and Open Spaces as applied by Midrand Municipality	Whole
Administrator's Notice 166 dated 2 February 1972	Johannesburg Municipality: Parks, Gardens and Open Spaces By-laws	Whole
Administrator's Notice 1540 dated 4 September 1974	Randburg Municipality: By-laws for the Regulation of Public Amenities	Whole
Administrator's Notice 2176 dated 28 November 1984	Roodepoort Municipality: By- laws for the Regulation of Parks, Open Spaces, Dams and Conservation Areas	Whole
Local Authority Notice 365 dated 23 January 1991	Sandton Municipality: Adoption of Standard Public Amenities By-laws	Whole

NOTICE 832 OF 2004

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), publishes the Public Road and Miscellaneous By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council and as concurred with by the Premier: Gauteng Province in terms of section 80A of the National Road Traffic Act, 1996 (Act 89 of 1996), as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

PUBLIC ROAD AND MISCELLANEOUS BY-LAWS

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SCHEDULE 1

REPEALED BY-LAWS

SCHEDULE 2

CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE

CHAPTER 1**INTERPRETATION****Definitions and interpretation**

1. (1) In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996) including any regulations made thereunder or the Gauteng Provincial Road Traffic Act, 1997 (Act No. 10 of 1997) including any regulations made thereunder, has that meaning and, unless the context otherwise indicates –

“authorised official” means –

- (a) a member of the Johannesburg Metropolitan Police established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (b) any person or official authorised in writing as such by the Council.

“Council” means –

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

“demarcated space” means a space so laid out and marked on the roadway as a place within which a vehicle is to be parked;

“municipal store” means the municipal store of the Council;

“parking meter” means a device for registering and visibly recording of a parking period in accordance with the insertion of a coin or other prescribed object therein and includes a post or fixture to which it is attached;

“parking period” means that period of parking in a demarcated space which is permitted by the insertion into the parking meter allocated to such space of a coin or other object as prescribed;

"prescribed" means determined by resolution of the Council from time to time;

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

"public road" means a square, road, sidewalk, island in a road, subway, avenue, bridge, 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 4 vested in the Council in terms of section 63 of Local Government Ordinance, 1939 (Ordinance No 17 of 1939) or any other law;

"storekeeper" means the person in the service of the Council who holds the position of storekeeper or a person acting in that capacity;

"token" in respect of a trolley, means a sign on which the name or trade name and the address of the owner appears;

"trolley" means a push trolley, push cart or any table, stand or basket on wheels;

"watercourse" means a watercourse as defined in section 1 of the National Water Act, 1998 (Act No. 36 of 1998);.

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.
- (3) The provisions of the Code of Practice for work in the road reserve set out in Schedule 2 to these By-laws, form part and parcel of these By-laws for all purposes.

CHAPTER 2**PUBLIC ROADS AND MISCELLANEOUS****Ropes, wires or poles across public road**

2. No person may place any rope, wire or pole on, under or across any public road, or hang, or place anything whatsoever thereon, without the prior written permission of the Council.

Damage to trees

3. No person may climb upon, or break or damage or in any way mark or paint on any tree on any public road within the municipal area of the Council, and no person may, without the prior written permission of the Council, lop, top, trim, cut down or remove any such tree unless the person is authorised to do so in terms of these By-laws or any other law.

Barbed wire, dangerous and electrical fencing

4. (1) No owner or occupier of land -
 - (a) other than an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road;
 - (b) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause, or permit to be erected, or after one year from the date of commencement of these By-laws, have along a public road any electrified fence, railing or other electrified barrier unless -
 - (i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than 1,8 metres high; and
 - (ii) the fence, railing, or other barrier is designed and installed in accordance with any relevant specifications determined by the Council and any standard issued in terms of the Standards Act, 1993 (Act No. 29 of 1993); or
 - (c) may erect, or cause, or permit to be erected, any electrified fence, railing, wall or other electrified barrier referred to in paragraph (b) without the prior written permission of the Council, in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

- (2) The full technical details of the proposed electrified fence, railing, wall or other electrified barrier must accompany any application for permission submitted to the Council.

Protection of public roads

5. No person may place upon or off-load on a public road any material or goods that are likely to cause damage to a public road unless the person has taken reasonable precautions to protect the surface of the public road against damage.

Cleanliness of public roads

6. (1) No person may spill, drop or place or permit to be spilled, dropped or placed, on a public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to any person, animal, vehicle or other traffic using the public road, without removing it or causing it to be removed from the public road immediately.
- (2) If the person referred to in subsection (1), fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from that person.

Article placed in building facing public road

7. No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public road, in any near a public road without taking all reasonable steps to prevent it falling onto the public road.

Damaging of Council's property

8. Subject to the provisions of section 10, no person may deface, tamper, damage, remove, or in any way interfere with any of the Council's property or work on or along any public road.

Cleaning and repairing on public roads

9. No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any public road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

Excavations in public roads

10. (1) No person may make or cause to be made any hole, trench, pit or tunnel on or under any public road or remove any soil, metal or macadam therefrom without the prior written permission of the Council, unless such person is authorised to do so in terms of these By-laws or any other law.

- (2) A person, who requires the permission in terms of subsection (1), must comply with the requirements contained in Schedule 2 to these By-laws.
- (3) A person referred to in subsection (2) must pay the prescribed fee.
- (4) A person referred to in subsection (2) must, if applicable, pay the prescribed fee for lane rental provided for in Schedule 2 to these By-laws.

Defacing, marking or painting public roads

11. No person may in any way deface, mark or paint any public road or part of a public road or any structure related to such road, without the prior written permission of the Council.

Races and sports events

12. (1) An application for consent to hold a race or sports event on any public road in terms of regulation 317(2) of the National Road Traffic Regulations, 2000, under the National Road Traffic Act, 1996 (Act No. 93 of 1996), must be submitted in writing to the Council on the prescribed form at least 60 days prior to the envisaged event.
- (2) The applicant must pay the prescribed deposit for the costs to be incurred by the Council during and after the race or sports event, to the Council prior to commencement of the race or sports event and an adjustment must be made after the conclusion of the race or sports event as soon as the Council has determined actual costs incurred by it.

Loitering on public roads

13. (1) No person may -
 - (a) lie, sit stand, congregate, loiter or walk, or otherwise act, on any public road in a manner that may obstruct traffic;
 - (b) jostle or loiter at or within 20 metres of the entrance of any place of public worship during the time of divine service or during an assembly at the place of worship or departure from such place of the congregation so as to obstruct or annoy any person going to, attending at, or leaving such place of worship.
- (2) Any person contravening subsection (1) must, upon instruction by an authorised official, discontinue doing so.

Loitering and touting at places of public entertainment

14. (1) No person may loiter or, except when forming part of a queue, congregate on any public road within 20 metres of the entrance to any place of public entertainment so as to obstruct traffic or persons proceeding to, attending at, or departing from such place of entertainment.
- (2) No person may, without the prior written permission of the Council tout or solicit a driver of any motor vehicle who parks a motor vehicle at a place of entertainment for the purpose of or under pretext of looking after or watching over the motor vehicle during the assembly thereat or the departure therefrom.

Public decency

15. (1) No person may appear unclothed or indecently clothed on any public road.
- (2) No person may on or in view of any public road urinate, excrete, behave in any indecent manner by exposing his or her person or otherwise, make use of any indecent gesture, or commit, solicit or provoke any person to commit any riotous, disorderly or indecent act.
- (3) No person may on any public road sing any obscene or profane song, or use any profane, foul, indecent or obscene language.
- (4) No person may on any public road in any way loiter or solicit or inconvenience or harass any other person for the purpose of begging.
- (5) No person may on a public road use any threatening, abusive or insulting words or gestures or behaviour with intent to cause a breach of the peace or whereby a breach of the peace is likely to be occasioned.

Trolleys

16. (1) The owner of a trolley must affix a prescribed token in a conspicuous position on the trolley.
- (2) The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any public road.
- (3) Any trolley which has been left or abandoned on any public road, may be removed, or caused to be removed, by an authorised official and be placed under the care of the storekeeper.
- (4) The storekeeper must store any trolley which has been placed under his or her care in terms of subsection (3), at the municipal store and the

Council must publish once a month in respect of eleven months of a year calculated from the first day of January, a notice in two newspapers circulating within the municipal area, which states—

- (a) the name of the owner of every trolley being stored, if known;
- (b) the number of trolleys being so stored;
- (c) that the trolley may be claimed by the owner from the Council on payment of the prescribed storage charge;
- (d) that any trolley which has not been claimed after a period of three months from the date of publication of the said notice, may be sold by the Council by public auction; and
- (e) that the proceeds of the public auction will accrue to the Council.

Public road collections

17. (1) No collection on a public road may be organised or held without the prior written permission of the Council.
- (2) Application for such permission must be made on a form provided for this purpose by the Council.
- (3) Every application must be accompanied by proof that the organisation or person intending to hold the public road collection is authorised to collect a contribution in terms of the Nonprofit Organisations Act, 1997 (Act No. 71 of 1997), or the Fund-raising Act, 1978 (Act No. 107 of 1978), as the case may be.
- (4) The Council may grant permission referred to in subsection (1) to an organisation or person to hold a collection on a specified public road, date and at a specified time and reserves the right to determine the number of collections which may be held on any one day on the public road so specified.
- (5) Every organisation or person, holding a public road collection is entitled to use his, her or its own identifiable collection boxes and if any organisation or person does not possess any boxes, the Council's collection boxes may be used upon payment of the prescribed fee.

Control of stormwater and watercourses on public road

18. (1) No person may, without prior written permission of the Council, which permission may be conditional or unconditional -
 - (a) lead or discharge any water on or over or across a public road; or
 - (b) by any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any public road.

- (2) The Council may, subject to any laws which may be applicable and after obtaining consent of the owner and the occupier, if any, of the land concerned -
- (a) deviate any watercourse, stream or river if the deviation is necessary for the protection of a public road or structure related to a public road or for the construction of a structure connected with or belonging to a public road;
 - (b) divert stormwater from or under any public road onto private property other than land occupied by buildings, other structures or improvements; and
 - (c) pay reasonable compensation as agreed between the owner or occupier and the Council, for any damage caused as a result of any action taken in terms of paragraph (a) or (b) or failing such agreement, compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act No 42 of 1965).

Obstruction on public roads

19. No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any public road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of the Council has been obtained.

Planting on sidewalks

20. No person may plant or cause to be planted, any tree, shrub or other plant on any public road or any sidewalk, footway or road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or road reserve.

Permission to hoard in footway

21. (1) Any person who intends erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres of a public road, must before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of subsection (3).
- (2) If the enclosure contemplated in subsection (1), occupies or projects over any portion of a public road, the person concerned must apply for a written permit to the Council and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.

- (3) The Council may determine what portion of the public road is necessary for the purpose of carrying out any operations contemplated in subsection (1), and in every case where it determines that portion of a public road may be used for such purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.
- (4) The Council reserves the right to withhold the issue of a permit required in terms of subsection (2), until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public road concerned were in good order and condition on the date of issue of such permit.
- (5) Every permit granted by the Council for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the public road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

CHAPTER 3

TRAFFIC MATTERS

Control of traffic

22. An authorised official may direct any form of traffic by means of any visible or audible signal and every person must obey such signal.

Clinging to moving vehicles

23. 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 cycle coaster, sled, roller-skates or device to any other moving vehicle, upon a public road.

Removal of obstructions

24. (1) If any person causes an obstruction on a public road, an authorised official, may order such person to refrain from causing, or to remove, the obstruction.

- (2) If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and the Council may if the person concerned fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.
- (3) An act done in terms of section 218 of the Standard Building By-Laws, adopted by the Council under Administrator's Notice 726, dated 16 June 1976, is for the purposes of this section deemed not to cause an obstruction except if permission of the Council in respect of that act is revoked.

Games, throwing stones, on public roads

25. (1) No person may roll a hoop or fly a kite or throw stones or use a bow and arrow, or by any means discharge any missile upon, over or across any public road, or play cricket, football or any other game on a public road.
- (2) No person may erect a tent or place chairs or any article on a public road for the purpose of a funeral, party or any other event without the prior written permission of the Council.

Shoeing and cleaning of animals on public roads

26. No person may shoe any animal, or clean, dress, train or break-in livestock on any public road.

Animals on public roads

27. (1) No person may turn any livestock loose on a public road.
- (2) No person may leave any injured, feeble, emaciated, diseased or dying animal on a public road except for the purpose of seeking assistance for the removal of such animal.
- (3) Any livestock at large on a public road may be taken to a place designated by the Council, by any authorised official.
- (4) Any person contravening subsection (1) is liable, in addition to any penalty which may be imposed by a Court of Law, to pay to the Council the cost incurred by it in acting in terms of subsection (3).
- (5) No person may walk a dog on a public road unless it is on a leash and under control of that person.
- (6) Any excretion left by a dog on a public road, must immediately be removed by the person in charge of the dog and be deposited in a waste receptacle provided by the Council or removed from the road.

Parking meters

28. (1) No person shall park a vehicle or cause a vehicle to be parked in a demarcated space unless a coin or other prescribed object is forthwith inserted -

- (a) into the meter allocated to such space; or
- (b) if the meter controls more than one demarcated space, into the meter controlling such spaces as indicated by markings or signs on the roadway or sidewalk,

and thereafter such meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the coin or other prescribed object inserted.

Provided that -

- (i) such coin or prescribed object need only be inserted during such hours indicated on the meter as prescribed;
 - (ii) a vehicle may be parked in a demarcated space without the insertion of a coin or other prescribed object in the parking meter allocated to such space for such part only of any parking period as such meter may indicate to be unexpired;
 - (iii) where such parking meter is out of operation or not operating properly, the driver of a vehicle may leave his or her vehicle in the demarcated space appropriate to such meter for so long as the parking meter continues to be out of order but not for longer than the parking period determined for that space and the vehicle may not be returned to such space within 15 minutes of removing it therefrom.
- (2) No person may, with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a demarcated space after the expiry of the parking period as indicated by the parking meter allocated to such space or return his or her vehicle to that space within 15 minutes after that expiry or prevent the use of that space by any other vehicle.

- (3) The insertion of a coin or other prescribed object into a parking meter and the putting into operation of such meter where necessary in accordance with the instructions appearing on such meter entitles the person inserting it to park a vehicle in the demarcated space for the period corresponding with the payment so made, provided that, notwithstanding the making of a payment as aforesaid, nothing in this section contained shall entitle any person to contravene a notice or road traffic sign exhibited by the Council in terms of these by-laws prohibiting the parking.
- (4) The period during which a vehicle may be parked in any demarcated space and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to such space shall be as prescribed and the said period and the coin or other prescribed object to be inserted in respect thereof must at all times be clearly indicated on the parking meter itself.
- (5) No person may—
- (a) insert or attempt to insert into a parking meter a coin or object except -
 - (i) a coin of South African currency of a denomination as prescribed;
 - (ii) an object which is prescribed as another method of payment;
 - (b) damage or deface, or write or draw on, or affix any handbill, poster, placard or other document, whether or not of an advertising nature, to a parking meter, unless the Council determine otherwise;
 - (c) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
 - (d) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose;
 - (e) deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any sign or notice erected for the purpose of this section;
 - (f) remove or attempt to remove a parking meter or any part thereof from the post or other fixture to which it is attached.
- (6) Every vehicle must be so placed in a demarcated space, other than one which is at an angle to the kerb line, that its near side wheels are not more than 450 mm from the kerb line and that it is laterally within that space and that the driver's seat, or in the case of a motor vehicle with left-hand drive, the front passenger's seat, is opposite and close to the mark known as the driver's marker, painted on the surface of the road or in the case of a one-way street in which parking on the right-hand side thereof is permitted, on the roadway.

- (7) No person may place or cause or permit to be placed or to stand any vehicle not specially designed or constructed for the carriage of goods in any loading space in any portion of a public road in which parking meters have been erected, otherwise than for the shortest possible time necessary for the loading or unloading of passengers.
- (8) Where a vehicle parked in a demarcated space occupies by reason of its length so much of an adjoining space that another vehicle cannot be parked in such space in the manner referred to in subsection (6), the person parking the first mentioned vehicle must immediately after parking it insert an appropriate coin or other prescribed object into the parking meters of both the said spaces.
- (9) No person may park a two-wheeled vehicle without a side-car in any demarcated space unless such space is designed for the use of such vehicle by means of a road traffic sign or notice.

Medical practitioner exempt

29. A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a demarcated space to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

CHAPTER 4

GENERAL PROVISIONS

Offences and penalties

30. Any person who –
 - (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice issued in terms of these By-laws; or
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of by-laws

31. The by-laws listed in Schedule 1 are hereby repealed.

Short title

32. These By-laws are called the Public Road and Miscellaneous By-laws, 2003.

SCHEDULE 1**REPEALED BY-LAWS**

Number and year	Name of by-law	Extent of repeal
Administrator's Notice 281 dated 27 June 1934	Road Traffic By-laws (JHB)	The whole
Administrator's Notice 368 dated 14 March 1973	Standard Street and Miscellaneous By-laws (Randburg Municipality)	The whole
Administrator's Notice 652 dated 24 April 1974	Standard Street and Miscellaneous By-laws (Sandton Municipality)	The whole
	Standard Street and Miscellaneous By-laws (Roodepoort Municipality)	The whole
	Standard Street and Miscellaneous By-laws (Midrand Municipality)	The whole
Government Notice R.2606 dated 2 December 1983 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	By-laws relating to Streets and Street Collections as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice 741 dated 22 March 1989	Standard Traffic By-laws (Randburg)	The whole
Local Authority Notice of Roodepoort Municipality on page 5161 in Official Gazette dated 21 December 1988	Standard Traffic By-laws (Roodepoort)	The whole
Administrator's Notice 901 dated 19 August 1970 as amended by Administrator's Notice 1692 dated 24 October 1973	Parking Meter By-laws (Roodepoort)	The whole

SCHEDULE 2

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

**CODE OF PRACTICE FOR
WORK IN THE ROAD RESERVE**

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FOREWORD

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

- damage to roads and other services;
- damage to vehicles;
- injury to vehicle occupants or pedestrians;
- reduction of the effective life of the road, footway or other services; and
- time and social costs caused by delays.

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

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

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

DEFINITIONS

In this Code, unless the context otherwise indicates -

"authorised agent" means an agent which is authorised by the Council to perform specified services;

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

"Council" means -

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

"lane rental" means the rental which is paid to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve;

"road authority" means the organisation or authorised agency appointed by the Council that is responsible for providing and maintaining the road network within the municipal area of the Council;

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

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

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

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

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

1. PROCEDURE

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

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

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

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

2. WORK IN THE ROAD RESERVE

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

2.2 Work in the road reserve can be divided into two categories.

2.2.1 The first category is work relating to the installation or maintenance of underground or overhead services by municipal service agencies and non-municipal service agencies, e.g. Telkom, Eskom, Rand Water and Petronet or any other person. For this type of work the approval of a wayleave also constitutes the approval of the work as such.

2.2.2 The second category is work requiring approval of the work as such, which is a separate procedure to be completed before any application for a wayleave can be made or considered.

- 2.3 The second category of work includes, but is not restricted to -
- 2.3.1 the erection of structures that require approved building plans in terms of the National Building Regulations;
 - 2.3.2 the erection of advertising signs and structures that require approval in terms of the relevant by-laws;
 - 2.3.3 road works, such as construction of new roads, road widenings or accesses to developments, undertaken by developers;
 - 2.3.4 connections to municipal services, such as water, sewers, electricity and stormwater drainage from developments;
 - 2.3.5 erection of hoardings in the road reserve;
 - 2.3.6 installation of services by private concerns, e.g. data cables to connect different buildings;
 - 2.3.7 the installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers;
 - 2.3.8 road closures;
 - 2.3.9 traffic calming devices.
- 2.4 The procedure to obtain approval for this second category of work falls outside the scope of the Code. When applying for a wayleave for this category of work, the approved drawings together with the conditions of approval must be submitted with the wayleave application form.

3. WAYLEAVE AND LANE RENTAL

3.1 Wayleave

- 3.1.1 The road authority has jurisdiction over the road reserve and no work may be done on the road reserve before a wayleave in respect thereof has been issued by the road authority. A wayleave is permission ("leave") to cross the "way", i.e. the road.
- 3.1.2 To obtain a wayleave, a wayleave application form (see Appendix A) must be submitted, accompanied by three copies of the approved drawing showing details of the proposed work. Details required on the drawing are -
 - 3.1.2.1 a clear depiction of the proposed work;
 - 3.1.2.2 where any service is to be installed, the depth of the every service below the level of the surface of the road;
 - 3.1.2.3 distance of the service from the road reserve boundary (i.e. the property boundary);
 - 3.1.2.4 position and extent of all structures including underground structures such as manholes, chambers, junction boxes, etc.
 - 3.1.2.5 the location of all other services in the road reserve (see section 4).

- 3.1.3 Once all these requirements have been complied with, a wayleave will be issued by the road authority. An example of a wayleave appears in Appendix A.
- 3.1.4 The application for a wayleave must be submitted timeously to ensure that a wayleave can be issued before the work is programmed to start. **Work being carried out in the road reserve without a wayleave will be stopped by the road authority.** A copy of the wayleave must therefore always be on site when work is being done in the road reserve.
- 3.1.5 The wayleave holder accepts full responsibility for all costs associated with the work, including any damage to any other service, the cost of relocation of any other service, backfilling and reinstatement, test and any claim that may result from the work.
- 3.1.6 Only work described in the wayleave may be done and only at the locations given in the wayleave. The work described in the wayleave must commence within 90 days of date of issue of the wayleave, failing which the wayleave lapses and re-application is required.

3.2 Lane Rental

- 3.2.1 Lane rental refers to the rental in respect of a demarcated traffic lane in a road reserve which is payable to the road authority by a service agency whose work in the road reserve results in time delay costs (TDC) being incurred by the users of the road reserve.
- 3.2.2 Lane rental is based on a cost per traffic lane (or part of a traffic lane) occupied per day (or part of a day). An occupied traffic lane is considered as being not longer than one street block. If a traffic lane is closed for two street blocks, for example, then the cost will be for two traffic lanes.
- 3.2.3 A prescribed fee is payable by a service agency to the road authority and such fee may differentiate between different road categories.
- 3.2.4 The road authority and the service agency must, before the commencement of the work, agree on the days that will be allowed during which the work must be completed. During the agreed days the service agency will pay a lane rental that is equal to 50 percent of the TDC. However, after the agreed completion date, the lane rental will be 100% of TDC. All costs will be based on average TDC's that have been calculated for each road category.
- 3.2.5 A service agency is entitled to a reduced rate if work on the road reserve is undertaken after normal working hours, but precautions must be taken by the service agency to avoid disturbance in any residential area. For every day that work is done after normal working hours and the lane is fully opened for all the normal working hours of the following day, the lane rental will only be 10% of TDC.
- 3.2.6 For the purpose of calculating lane rental, normal working hours will be considered as being between 06:00 and 19:00 on Monday to Friday and between 06:00 to 14:00 on Saturday. These times are not fixed and may change depending on local conditions and special events in the vicinity where work is to be undertaken.

- 3.2.7 The road authority or any organisation working on behalf the road authority is exempt from payment of lane rental when any construction, resurfacing, maintenance, improvement or rehabilitation work is being done on the road itself.
- 3.2.8 During the days that have been agreed to in terms of 3.2.6 above, no lane rental will be payable if all traffic lanes are kept open at all times. If work continues after the agreed completion date, a lane rental of 25% of TDC will be charged if all traffic lanes are kept open. If a traffic lane is closed for any part of a day, normal lane rental for a full day will be charged (50% of TDC before the official completion date and 100 % thereafter).
- 3.2.9 Lane Rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable in the normal way for the occupation of a traffic lane, since the traffic lane will not be available for vehicular traffic. If a footway is partially obstructed in such a way that it causes a delay for pedestrians, then 50% of the lane rental that is applicable for that road, will be charged.
- 3.2.10 For the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. For constructed footways the whole constructed width will be considered as footway.

4. COSTS

4.1 Processing Fee

A processing fee is a fixed amount that is payable by the applicant when submitting a wayleave application form. This fee is to cover the cost of processing the wayleave application and will be prescribed by the Council on the recommendation of the roads authority, from time to time.

4.2 Reinstatement Cost

- 4.2.1 When the road authority does the permanent reinstatement, the cost involved will be payable by the applicant to the road authority. The cost will be determined using the relevant reinstatement rates appearing on the wayleave application form. These rates are determined by the Council and will be reviewed from time to time.
- 4.2.2 In this case the wayleave application form must be accompanied by official order for an amount based on the expected area to be reinstated. The final invoiced amount payable will be determined using the measured area of the final reinstatement as agreed between the road authority and the service agency.
- 4.2.3 It is important to note that the decision on who does the permanent reinstatement lies with the road authority.

5. EXISTING SERVICES IN THE ROAD RESERVE

- 5.1 The wayleave holder must obtain information from every service agency supplying a service within the municipal area of the Council on the location of its service. Every service must then be indicated on the drawings to be submitted with the wayleave application form. Every service agency may impose additional conditions relating to work in the vicinity of its service.
- 5.2 As part of the undertaking/indemnity on the wayleave application form, the applicant has to confirm that the necessary information has been obtained from every service agency and has to undertake to adhere to any additional condition imposed by any service agency.

6. ROAD CATEGORIES

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

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

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

7. PROTECTED ROADS

- 7.1 Over and above the four road categories, defined in section 6 of the Code, certain roads are further classified as protected roads (no-dig roads).
- 7.2 A protected road is a road across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the road authority. A road is designated as protected when it is of particular strategic importance or if it poses special engineering difficulties. Every arterial is, for example, protected. Any road that has been newly constructed, overlaid or resurfaced will be protected for a period of seven years.

- 7.3 If a road is protected it will be indicated as such on the wayleave. A protected road may only be crossed using a trenchless method. If a trenchless method cannot be used for some reason in a protected road, special permission to excavate must be obtained from the road authority.
- 7.4 For the purpose of planning work done by a service provider, F4 and G5 may be regarded as unprotected unless the road has been newly constructed, overlaid or resurfaced and fall within the seven years protected period: Provided that the first 20m from an intersection with any other class road is considered to be protected.

8. TRAFFIC SIGNS AND BARRICADING

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

9. ROAD CLOSURES

- 9.1 The granting of a wayleave does not give the wayleave holder the authority to close the road completely to traffic. Methods of construction and programmes of work must be determined on the basis that no road, or portion of road, may be completely closed to traffic for any appreciable period.
- 9.2 In exceptional circumstances permission will be granted for the closure of a road or portion of road to traffic, subject to the provisions of any law. The wayleave holder must apply to the road authority separately for approval of such closure two weeks prior to the road being closed. Such a road closure will be approved for a specific period, i.e. from and to a specific time on a specific date and is only valid for this specific period. If the work is not completed in this specific period, an application for a new road closure will have to be made.
- 9.3 Work carried out on any arterial, major collector and CBD road will be restricted to outside the following periods, namely from 6:30 to 09:00 and 15:30 to 18:00, to ensure free flow of traffic during peak hours.

10. EXCAVATIONS

- 10.1 The area which is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench must be cut with a saw to ensure smooth, uniform edges.

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

11. TRENCHLESS METHODS

- 11.1 If a trenchless method is used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the wayleave holder using such method must have all the necessary equipment and expertise to complete the work successfully. Trenchless methods can be used for all road categories, but must be used for all roads classified as protected in terms of section 7.

- 11.2 The position of every existing service must be located accurately. If any service is damaged, the way-leave holder will be responsible for all costs to repair such damage.
- 11.3 The depth to the top of any tunnel that is drilled for the installation of a new service, must be at least 800 mm measured from the level of the surfacing of the road.

12. EMERGENCY WORK

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

13. SPECIFICATIONS FOR BACKFILLING AND REINSTATEMENTS

13.1 General

- 13.1.1 Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- 13.1.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but excludes the surfacing.
- 13.1.3 Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- 13.1.4 Backfilling must in every case be done by the wayleave holder in accordance with the applicable specifications in sections 13.2 and 13.3. Permanent reinstatement (100 mm asphalt layer), as specified in section 13.4 and 13.5, can either be done by the road authority or by the wayleave holder, subject to permission having been granted by the road authority and provided the wayleave holder has the required expertise and experience. Permanent backfilling and reinstatement (100 mm asphalt layer) done by the wayleave holder, is subject to a guarantee period of one year based on the performance specifications described in section 13.8.
- 13.1.5 If the permanent reinstatement must be done by the road authority, the wayleave holder must do a temporary reinstatement as specified in section 13.7. The wayleave holder will then be charged for the permanent reinstatement at the applicable rates appearing on the wayleave application form. A reinstatement order must in such case be submitted together with the completion notice. The temporary reinstatement will be removed by the road authority and the backfilling will then be tested. If this does not comply with the applicable specifications, it will be replaced at the cost of the wayleave holder. These costs are over and above the normal reinstatement costs.

- 13.1.6 Temporary reinstatement must also be done if the wayleave holder abandons the site for a period not exceeding two months with the view of returning to complete the work. The wayleave holder must maintain this temporary reinstatement.

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

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

13.3 Backfilling of Roads

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

Method A. Re-using excavated material

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

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

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

Method B. Importing material

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

Method C. Low strength concrete: Specially designed concrete mix (SDCM) for Trench Backfilling

All Road Trenches / Openings: Place 300 mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacturer's specification. The SDCM concrete mix is to be placed 50 mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

All Footway Trenches / Openings: Place 150 mm SDCM concrete of minimum 2.5 Mpa crushing strength (28 days) and manufactured to an approved manufacturer's specification. The SDCM concrete mix is to be placed 30 mm below the level of the surrounding sound surface of the road. The rest of the trench is backfilled with selected approved material compacted to 90% of MOD AASHTO density.

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

13.4 Backfilling of Footways

- 13.4.1 Any footway, where there is no possibility of vehicles crossing the footway, must be backfilled using the excavated material, placed in the trench in 150 mm layers and compacted to 90 % Mod AASHTO density (maximum DCP penetration of 19 mm/blow) for all layers below the base and 93 % Mod AASHTO density (maximum DCP penetration of 14 mm/blow) for the base.
- 13.4.2 Any footway where there is a possibility of light vehicles (cars and LDV's) crossing the footway, typically where there is mountable kerbing, must be backfilled using Method A or Method B described in section 13.3.3 according to the standards for local streets specified in Figure 1 following on section 13.8.7.
- 13.4.3 Where any heavy vehicles make use of a footway, such as loading zones in industrial areas, the footway must be backfilled using Method A or Method B described in section 13.3.3 according to the standards for arterials, collectors and industrial roads on Figure 1 following on section 13.8.7.

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

13.5 Permanent Reinstatement of Roads

- 13.5.1 The same method of reinstatement must be used independent of the method of backfilling of the structural layers.
- 13.5.2 The permanent reinstatement of the surfacing must consist of 100 mm hot-mix asphalt. The lower 70 mm must be "blackbase" (26,5 mm nominal stone size, continuously graded) and the top 30 mm fine (4,75 mm nominal stone size, continuously graded). Cold mix may only be used for temporary reinstatement. Both these surfacing layers must be compacted to 95 % Marshall density.
- 13.5.3 The reinstated surfacing must be at least 100 mm wider than the trench on both sides to accommodate any edge break where saw cutting was not possible.
- 13.5.4 The material used for the reinstatement of the surfacing must comply with the relevant requirements of Section 4200: Asphalt Base and Surfacing of the Committee of Land and Transport Officials (COLTO) or its successor in title, Standard Specification for Road and Bridge Works.
- 13.5.5 In the case of any road surfaced with interlocking paving blocks, the general procedure would be to re-use the material removed during the excavation of the trench. If new material has to be used, it must be of the same type and size as the existing material and must comply with the requirements of SABS 1058-1985, as amended.

13.6 Permanent Reinstatement of Footways

- 13.6.1 The general procedure would be to re-use all the material removed during the excavation of the trench. If new material has to be used, it must comply with the following requirements.
- (a) Precast concrete kerbs and channels: Any precast concrete kerbs and channel must comply with the requirements of Section 2300: Concrete Kerbing, Concrete Channelling, Open Concrete Chutes and Concrete Linings for Open Drains of the COLTO Standard Specification for Road and Bridge Works. All cast in-situ concrete must be Class 25/19.
 - (b) Concrete paving blocks: All concrete paving blocks must comply with the requirements of SABS 1058-1985 as amended.
 - (c) Cast In-situ concrete: All cast in-situ concrete must comply with the relevant requirements of Section 6400: Concrete for Structures of the COLTO Standard Specification for Roads and Bridge Works. All cast in-situ concrete must be Class 25/19.
 - (d) Precast concrete paving slabs: All concrete paving slabs must comply with the requirements of SABS 541-1971, as amended.
- 13.6.2 Any constructed footway must be reinstated with the same surfacing materials that existed originally (e.g. concrete blocks, slabs, etc.). Material may be re-used if undamaged, or else replaced with similar material.

- 13.6.3 If a private driveway and footway with non-standard materials are to be excavated, the owner of the property concerned must be informed in advance and in writing of the intended work. The owner must then supply the wayleave holder with the materials that are to be used for the reinstatement.
- 13.6.4 If any unconstructed verge has an established lawn, this must be removed, stored and replaced in sods in such a way that the lawn is in the same condition after reinstatement as it was before excavation. If the sods are allowed to dry out or become damaged in any way, they must be replaced with similar sods.
- 13.6.5 If an unconstructed verge has been planted with garden vegetation other than lawn, the owner of the adjacent property must be consulted before excavation, to obtain instructions on what to do with the plants that are affected. Every effort must be made to preserve all plants.

13.7 Temporary Reinstatements by the Wayleave Holder

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

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

13.8 Performance Specifications

- 13.8.1 The performance of any trench permanently reinstated by the wayleave holder will be monitored for 12 months, during which period the wayleave holder will be held responsible for any remedial work that may be required.
- 13.8.2 The tests that were used for quality control (density or shear strength) will be used to determine whether or not the work was done according to specifications. The road authority may do additional tests if the quality control tests are not considered to be adequate.
- 13.8.3 Remedial work will be required if any of the following defects exists:
- (a) Depressions;
 - (b) humps (crowning);
 - (c) edge depression (trips, vertical discontinuities) at the interface; or
 - (d) cracking.
- 13.8.4 Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100 mm or more of the length of the trench:

<i>Reinstatement Width (mm)</i>	<i>Height of Deformation or Hump as measured with straight edge (mm)</i>
Up to 400	10
400 to 500	12
500 to 600	14
600 to 700	17
700 to 800	19
800 to 900	22
Over 900	25

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

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

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

<i>Layer</i>	<i>Treatment</i>		<i>Layer thickness (mm)</i>	<i>Depth (mm)</i>
Surfacing	<u>Temporary Surfacing</u> Material from top 400 (550)mm 4 % OPC 98 % Mod AASHTO	<u>Permanent Surfacing:</u> 30mm Bitumen hot-mix fine 70mm Bitumen hot-mix:BTB	100	100
	Material from top 400 (550)mm stockpile Stabilize with 4 % OPC Compact to 98 % Mod AASHTO		150	
Base	Material from top 400 (550)mm stockpile Stabilize with 4 % OPC Compact to 95 % Mod AASHTO		150	250
Subbase	Material from top 400 (550)mm stockpile Stabilize with 4 % OPC Compact to 95 % Mod AASHTO		150	400
Selected Subgrade	<u>Local streets:</u> Compact to 93 % Mod AASHTO	<u>Arterials, collectors and Industrial streets:</u> Material from top 550mm stockpile Stabilize with 4 % OPC Compact to 93 % Mod AASHTO	150	550
	Compact to 90 % Mod AASHTO		250	
Subgrade	Compact to 90 % Mod AASHTO		250	800

Figure 1
Recommended method for permanent backfilling

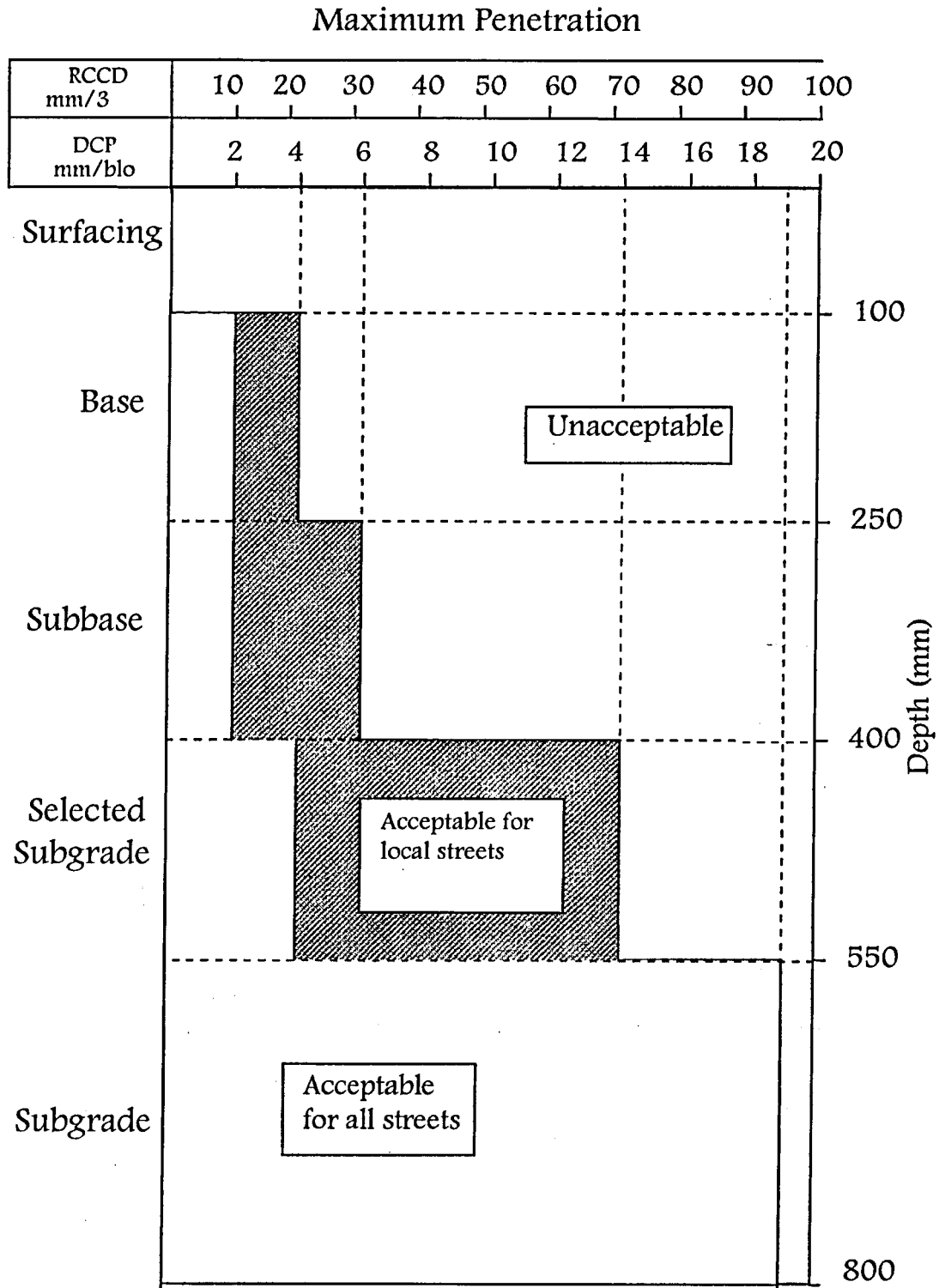


Figure 2
Typical DCP and RCCD Penetration Diagram

14. COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

- 14.1 On completion of the work concerned the wayleave holder must fill in a completion notice and return it to the road authority within 24 hours (see Appendix A for an example of a completion notice). The road authority will then arrange a site meeting with the wayleave holder to do an inspection and to issue a certificate of completion if all requirements have been met. The 12-month guarantee period for permanent reinstatement by the wayleave holder, or the 14 day maintenance period for temporary reinstatement by the wayleave holder, commences on the day after the date of issue of the certificate of completion.
- 14.2 Completion of the work means that all work has been completed and that all material, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary reinstatement, as applicable, has been done by the wayleave holder.
- 14.3 If work involves more than one street link (street block), a completion notice must be submitted after completion of each link.

APPENDIX A

WAYLEAVE PROCEDURE AND FORMS

Procedure for Wayleave Application

Wayleave Application Form

Undertaking and indemnity

Completion Notice and Certificate of Inspection

Annexure A: Summary of Conditions for Work in the Road Reserve

**JOHANNESBURG ROADS AGENCY
PROCEDURE FOR WAYLEAVE APPLICATION**



STEP 1:	BY APPLICANT
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Obtain detailed information from all relevant service agencies with regard to all services adjacent to where the work is to be carried out. Provide them with a drawing at minimum scale 1:500, with NORTH POINT, BLOCK PLAN WITH STAND NUMBERS, STREET NAMES AND HOUSE NUMBERS (where possible). All service information must be obtained before applicant applies for wayleave.

Please Note:

If information of the position, or levels or the services are required, exposing and backfilling these services must be undertaken by hand. Give the relevant service agency two weeks prior notice to obtain this information.

STEP 2:	BY APPLICANT
----------------	---------------------

Prepare a drawing of the proposed work showing the following details:

1. PROPOSED WORK.
 2. DEPTH OF PROPOSED SERVICE BELOW ROAD LEVEL.
 3. DISTANCE OF PROPOSED SERVICE FROM BOUNDARY.
 4. POSITION OF ALL STRUCTURES INCLUDING UNDERGROUND STRUCTURES.
 5. EXTENT OF UNDERGROUND STRUCTURES.
 6. LOCATION OF ALL OTHER SERVICES.
- (If there is no service from a particular service agency for that area, written confirmation to that effect from that agency is required)

STEP 3:	BY APPLICANT
----------------	---------------------

The signed copies of the drawings and the signed application form must be handed to the central wayleave registration office, for final approval.

STEP 4:	BY APPLICANT
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The central wayleave registration office will check whether all requirements have been met.

The central wayleave registration office will register the application on the GIS and the applicant must pay the prescribed registration fee. When it has been registered a wayleave number will be allocated and the wayleave will be issued. The applicant must take note of all the special conditions. (see Annexure A to the Code).

The central wayleave registration office will forward the details of the approved wayleave to the relevant road authority wayleave inspector in whose area the excavation will take place and he will monitor the site and make sure that the correct standards and the Code is adhered to during the excavation. The road authority wayleaves inspector must be present when the DCP tests are done to approve the backfilling.



STEP 5:	BY WAYLEAVE OFFICE
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On completion of the work the applicant must contact the road authority wayleave inspector who will arrange a site meeting to sign off the completed work.

Thereafter a completion certificate of completion will be issued once all requirements have been met. The 12 month guarantee period for permanent reinstatements by the wayleave holder or the 14 day maintenance period for temporary reinstatements by the wayleave holder, commences on the day after the date of issue of the certificate of completion.

**JOHANNESBURG ROADS AGENCY
WAYLEAVE APPLICATION FORM**



Application is hereby made by the undersigned to do work in the road reserve as detailed below. The applicant undertakes to do the work according to the latest edition of the CODE OF PRACTICE FOR WORK IN THE ROAD RESERVE contained in Schedule 2 to the Public Roads and Miscellaneous by-laws, 2003.

No work may commence before a wayleave is issued in respect thereof. All permanent reinstatements (100 mm asphalt layer) will be done by the road authority unless specific permission is granted to the applicant to do it for this wayleave. All applicable fees are to accompany this application.

APPLICANT

AGENCY/DEPARTMENT / PRIVATE: _____
 CONTACT PERSON: _____ CONTACT TEL: _____
 CONTRACT FAX: _____ E-mail: _____
 CONTRACTOR: _____ PROJECT NO: _____
 REINSTATEMENT ORDER NO: _____

PROVISIONAL DATES

STARTING DATE: _____ COMPLETION DATE: _____

DRAWING NUMBER: _____

LOCATION OF WORK (give full details)

SUBURB : _____ STREET NAME: _____
 STREET (FROM) : _____ STREET (TO): _____
 ERF NO'S : _____
 HOUSE NO'S : _____

EXCAVATION DETAILS:

LENGTH OF EXCAVATION: RIDING SURFACE _____ m² : KERBS _____ m²
 ASPH FOOTWAY: _____ m² INTERNAL BLOCK _____ m² : UNPAVED
 FOOTWAYS _____ m²

SPECIAL NOTE

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

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

<i>AGENCY</i>	<i>REMARKS/SIGNATURE /DATE</i>
CITY POWER	
EGOLI GAS	
JHB WATER	
CITY PARKS	

<i>AGENCY</i>	<i>REMARKS / SIGNATURE/DATE</i>
TELKOM	
ESKOM	
Rand Water	
SASOL	

Road Authority OFFICE USE:

_____ DATE RECEIVED _____ NAME OF OFFICIAL _____ SIGNATURE _____

APPROVED:

YES	NO	WAYLEAVE NO:	
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UNDERTAKING/INDEMNITY:

**JOHANNESBURG ROADS AGENCY
UNDERTAKING / INDEMNITY:**



I, the undersigned hereby,

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

Signature (Applicant)

Date

Signature (Road Authority Officer)

JOHANNESBURG ROADS AGENCY



ANNEXURE A

SUMMARY OF CONDITIONS FOR WORK IN THE ROAD RESERVE

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

Before any work is done in the road reserve, a wayleave must be issued by the roads authority wayleaves office. This will only be done after a completed wayleave application form has been received by the wayleave officer and the reinstatement fee paid. Before submitting the form to the Wayleave Officer, approval must be obtained from all other agencies indicated on the form.

In the case of emergency work, e.g. burst pipes, a wayleave application form must be submitted within 24 hours and the road authority maintenance depot must be informed.

All work must be done according to the aforesaid Code of Practice. Only work indicated on the wayleave form may be done and only during the period indicated, unless approval has been obtained from the relevant wayleave office to change the dates.

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

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

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

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

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

The wayleave holder must ensure that the top 400 mm (550 mm for arterials, collectors and industrial streets), be stockpiled separately and stabilised with 4 % Ordinary Portland Cement (OPC) approximately 80 kg/m³ of cement. The material must be compacted in thin (75 to 100 mm) layers with a vibratory compactor at optimum moisture content (OMC) to the required densities (base: 98 %, subbase: 95 %, selected subgrade: 93 % and subgrade: 90 % Mod AASHTO) to within 100 mm of the existing road surface. This method should provide the required shear strengths in most cases, but it should be noted that material that was originally stabilised cannot be re-used and must be discarded.

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

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

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

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

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

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

The wayleave form, or a copy thereof, must be returned to the wayleave officer within 24 hours after completion of the work with the completion notice and signed by all parties and must be accompanied by the DCP or RCCD test results.

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

JOHANNESBURG ROADS AGENCY

CERTIFICATE OF INSPECTION AND COMPLETION



Wayleave No.: _____

The road authority inspector must sign this form. The signature is just for administrative control and by no means implies that the work has been done according to the specifications and conditions of the wayleave. The onus and responsibility of ensuring that the service has been correctly installed, is that of the applicant.

Description of wayleave _____ Date: _____

Street on _____ Street from _____ Street to _____ Suburb _____

Responsible person (for the erection / installation of the service)

Name: _____ Company: _____

Telephone No.: (____) _____

COMPLETION NOTICE

The central wayleave office is hereby informed that:

- The work done in terms of the above wayleave has been completed according to the conditions as prescribed in the wayleave.

AND

- The permanent reinstatement has been done in accordance with the specifications in the Code of Practice for work in the Road Reserve.

OR

- A temporary reinstatement has been done and a reinstatement order to the amount of R_____ is attached for the road authority to do the permanent reinstatement.

Name: _____ Signed: _____ Date _____
Wayleave Holder

CERTIFICATE OF COMPLETION

It is hereby certified that the site of the work carried out in terms of the above wayleave was inspected on the above date and that:

- The work has been completed; and
- The site has been cleared and cleaned; and
- The wayleave holder did the permanent reinstatement and the 12 month guarantee period commences from date.

OR

The wayleave holder did a temporary reinstatement and the 14 day maintenance period commences from the day after the date of issue of the certificate of completion. A reinstatement order was received from the wayleave holder.

SITE INSPECTIONS

REMARKS:

REINSTATEMENT ORDER NO: _____

The road authority waysleave inspector was present when the DCP tests were done (see site inspection remarks).

NAME: _____ Signed: _____ DATE _____
 ROAD AUTHORITY INSPECTOR

APPENDIX B**ROADWORKS SIGNING FOR URBAN STREETS**

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

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NOTICE 833 OF 2004

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

STREET TRADING BY-LAWS

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Street Trading By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council and as approved by the Premier: Gauteng Province in terms of section 6A of the Businesses Act, 1991 (Act No. 71 of 1991), as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

STREET TRADING BY-LAWS

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 4. Reference to legislation includes regulations made thereunder
 5. Assigning powers of a council employee to employee of a service provider where a service provider has been appointed
 6. Prohibited conduct
 7. Restricted conduct
 8. Cleanliness
 9. Signs indicating restricted and prohibited areas
 10. Removal and impoundment
 11. Vicarious responsibility of persons carrying on business
 12. Offences and penalties
 13. Repeal of By-laws
 14. Short title
- Schedule 1: Repealed By-laws

Definitions

1. In these by-laws, unless the context otherwise indicates-

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

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

“city” means the City of Johannesburg;

“Council” means -

"Council" means -

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

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

"Council service works" means all property or works of whatever nature necessary for or incidental to any Council services;

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

"garden or park" means a garden or park to which the public has a right of access;

"goods" means any movable property and includes a living thing;

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

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

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

"prescribed" means determined by resolution of the Council from time to time;

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

"public building" means a building belonging to or occupied solely by the State or the Council;

"public monument" means any one of the "public monuments and memorials" as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

"public place" means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

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

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

"sell" includes –

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

and "sale" or "selling" has a corresponding meaning;

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

"street furniture" means any furniture installed by the Council on the street for public use;

"street trader" means a person who carries on the business of street trading and includes any employee of such person;

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

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

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

Meaning of words and expressions in Businesses Act incorporated in these By-laws

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

Single act constitutes street trading

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

Reference to legislation includes regulations made thereunder

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

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

5. If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Prohibited conduct

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

- (i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996 ; and
 - (j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1)(h), may not trade in contravention of the terms and conditions of such lease or allocation.

Restricted conduct

7. A person carrying on the business of a street trader -
- (a) may not sleep overnight at the place of such business;
 - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
 - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
 - (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
 - (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
 - (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
 - (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
 - (h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
 - (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;

- (j) may not carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place;
- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these By-laws;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of these By-laws;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and
- (u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

Cleanliness

8. A street trader must-

- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) Keep his or her property in a clean, sanitary and well maintained condition;
- (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;

- (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
- (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
- (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

Signs indicating restricted and prohibited areas.

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

Removal and impoundment

10. (1) An authorized official may remove and impound any property of a street trader-
- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition

whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

- (2) Any authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-
- (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.

Vicarious responsibility of persons carrying on business

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

Offences and Penalties

12. Any person who -
- (a) contravenes or fails to comply with any provision of these By-laws;
 - (b) fails to comply with any notice issued in terms of these By-laws; or
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under these By-laws -

is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a

continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

Repeal of By-laws

13. The By-laws listed in Schedule 1 are hereby repealed.

Short title

14. These By-laws are called the Street Trading By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

	No and year	Title	Extent of repeal
1.	Local Authority Notice 1623 dated 15 July 1998	Southern Metropolitan Local Council of the Greater Johannesburg Metropolitan Council - Street Trading By-laws.	Whole
2.	Local Authority Notice 1624 dated 15 July 1998	Northern Metropolitan Local Council of the Greater Johannesburg Metropolitan Council - Street Trading By-laws.	Whole
3.	Local Authority Notice 1625 dated 15 July 1998	Eastern Metropolitan Local Council of the Greater Johannesburg Metropolitan Council - Street Trading By-laws.	Whole
4.	Local Authority Notice 1626 dated 15 July 1998	Western Metropolitan Local Council of the Greater Johannesburg Metropolitan Council - Street Trading By-laws.	Whole
5.	Local Authority Notice 1818 dated 5 th August 1998	Midrand/Rabie Ridge/Ivory Park Metropolitan Local Council(sub-structure) – Street Trading By-laws.	Whole

NOTICE 834 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****WASTE MANAGEMENT BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Waste Management By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**WASTE MANAGEMENT BY-LAWS****TABLE OF CONTENTS****CHAPTER 1****INTERPRETATION, PRINCIPLES AND OBJECTS**

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SCHEDULE 1**REPEALED BY-LAWS**

CHAPTER 1

INTERPRETATION, PRINCIPLES AND OBJECTS

Definitions and interpretation

1. (1) In these By-laws, unless the context otherwise indicates-

"approved", in relation to bins, bin liners, containers, receptacles and wrappers means approved by the Council for the collection and storage of waste;

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

"bin" means an approved receptacle for the storage of less than 1,5 cubic metres of waste which may be supplied by the Council to premises in terms of these By-laws;

"bin liner" means an approved loose plastic or other suitable material liner for use in the interior of a bin;

"building waste" means all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

"bulky waste" means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door municipal service provided by the Council;

"business waste" means waste, other than hazardous waste, healthcare risk waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes;

"city manager" means the municipal manager appointed in terms of section 82(1)(a) of the Structures Act;

"commercial service" means any service, excluding the municipal service, relating or connected with accumulating, collecting, managing, recycling, sorting, storing, treating, transporting, disposing, buying or selling of waste or any other manner of handling waste;

"container" means an approved receptacle with a capacity greater than 1,5 cubic metres for the temporary storage of waste in terms of these By-laws;

"Council" means –

- (a) the Metropolitan Municipality of the City of Johannesburg established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its Municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) except for the purposes of Chapters 6 and 8, a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law; as the case may be;

"damage to the environment" means any pollution, degradation or harm to the environment whether visible or not;

"dailies" means putrescible waste generated by hotels, restaurants, food shops, hospitals, and canteens that must be collected on a daily basis, to prevent the waste from decomposing and presenting a nuisance or an environmental or health risk;

"designated officer" means a person in the employ of the Council authorised to be a designated officer in terms of section 22 of the Gauteng Rationalisation Act;

"domestic waste" means waste generated on premises used solely for residential purposes and purposes of public worship, including halls or other buildings used for religious purposes, but does not include business waste, building waste, garden waste or bulky waste;

"dump" means placing waste anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council;

"environment" means the surroundings within which humans exist made up of–

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,
- (c) any part or combination of (a) and (b) and the interrelationships among and between them, and
- (d) the physical, chemical aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"environmental emergency" means any unexpected or sudden occurrence resulting from any act or omission relating to waste which may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;

"garden service" means the provision of gardening services by a licensee including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, in respect of any domestic, business, commercial or industrial premises;

"garden waste" means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40 mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;

"garden waste handling facility" means a waste handling facility in or on which garden waste or any other recyclable waste is received and temporarily stored;

"Gauteng Rationalisation Act" means the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998);

"hazardous waste" means waste containing, or contaminated by, poison, any corrosive agent, any flammable substance having an open flash-point of less than 90 deg C, an explosive, radioactive material, any chemical or any other waste that has the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;

"health care risk waste" means all hazardous waste generated at any health care facility such as a hospital, clinic, laboratory, medical research institution, dental or medical practitioner or veterinarian;

"industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, dailies, special industrial waste, hazardous waste, health care risk waste or domestic waste;

"Johannesburg Metropolitan Police Department" means the Department established under General Notice No. 1893 published in the Gauteng Provincial Gazette Extraordinary of 26 March 2001;

"land reclamation" means the planned and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

"level of service" means the frequency of the municipal service and the type of service point;

"licensee" means any person who has obtained a licence in terms of Chapter 6;

"litter" means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

"local community" in relation to the Council means that body of persons comprising -

- (a) the residents in the municipal area,
- (b) the ratepayers of the Council,
- (c) any civic organisation and non-governmental, private sector or labour organisation or body which is involved in local affairs within the municipal area, and
- (d) visitors and other people residing outside of the municipal area who, because of their presence in that area, make use of services or facilities provided by the Council;

"municipal service" means the municipal service relating to the collection of waste, including domestic waste, business waste and dailies, provided exclusively by the Council in accordance with Chapter 3 of these By-laws, and which in the case of business waste extends only to waste deposited in bin liners, bins and 240 litre wheeled bins;

"nuisance" means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste, or by littering;

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises let, includes the person receiving the rent payable by the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" includes any person who has the title to land or premises or any person receiving the rent or profits of land or premises, or who would receive such rent or profits if such land or premises were let, whether for his own account or as an agent for any person entitled thereto or interested therein and in relation to premises on a sectional title register opened in terms of section 12 of the Sectional Titles Act, 1986 (Act No. 95 of 1986), means the body corporate as defined in that Act;

"pollution" means any change in the environment caused by -

- (a) any substance; or
- (b) noise, odour, dust or heat, emitted from any activity, including the storage or treatment of any waste or substance, construction and the provision of any service, whether engaged in by any person or an organ of state;

if that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of a natural or managed ecosystem, or on material useful to people, or will have such an effect in the future;

"premises" means an erf or any other portion of land, including any building thereon or any other structure utilised for business, industrial, agricultural or residential purposes;

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

"public place" includes any public building, public road, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space, vested in the Council, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;

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

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

"radioactive material" means any substance consisting of, or containing, any radioactive nuclide, whether natural or artificial;

"radioactive waste" means any radioactive material which is, or is intended to be, disposed of as waste;

"recyclable waste" means waste which has been separated from the waste stream, and set aside for purposes of recycling;

"recycling" means the use, re-use or reclamation of material so that it re-enters an industrial process rather than becoming waste;

"resident", in relation to the municipal area, means a person who is ordinarily resident within that area;

"SANS Codes" means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993);

"special industrial waste" means waste consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste;

"storage" means the storage of waste for a period of less than 90 days;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision-making so as to procure that development serves present and future generations;

"Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"target" means any desired air quality, water quality or waste standard contained in any legislation;

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

"waste" means any undesirable or superfluous matter, material, by-product or residue of any process or activity that has been discarded, accumulated or stored for the purpose of treatment, discarding or recycling and may be liquid or solid, may include products that contain a gaseous component and may originate from domestic, commercial, medical or industrial activities, but does not include any gas or gaseous product which may be regulated by national or Gauteng provincial legislation;

"waste disposal facility" means any facility or site which receives waste for treatment or disposal thereof, and which is operated in terms of a permit obtained from the National Department of Water Affairs and Forestry or any other competent authority or if such a facility is an incinerator, subject to registration or such permission as is required by law, and includes a garden waste handling facility;

"waste generator" means any person who generates or produces waste;

"waste handling facility" means any facility on or in which waste is accepted, accumulated, handled, recycled, sorted, stored or treated prior to its transfer for treatment by way of incineration or for final disposal;

"waste stream" means a type of waste, including building waste; business waste; bulky waste; dailies; domestic waste; garden waste; hazardous waste; health care risk waste; industrial waste; recyclable waste and special industrial waste;

"workplace" means any place within the municipal area on or in which or in connection with which, a person undertakes the municipal service or a commercial service;

"wrapper" means a plastic or other approved material covering that totally encloses bales or slugs of compacted waste.

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Principles

2. (1) The Council has the responsibility to ensure that all waste generated within the municipal area is –
 - (a) collected, disposed of or recycled in accordance with these By-laws; and
 - (b) that such collection, disposal or recycling takes account of the waste management hierarchy set out in subsection.
- (2) The underlying principle of these By-laws is to establish a waste management hierarchy in the following order of priority:
 - (a) Avoidance, waste minimisation and waste reduction;
 - (b) re-use;
 - (c) recycling, reprocessing and treatment; and
 - (d) disposal.
- (3) Any authorised official must, as far as reasonably possible, take into account the hierarchy specified in subsection (b).

Main objects

3. (1) The main objects of these By-laws are
 - (a) the regulation of the collection, disposal, treatment and recycling of waste;
 - (b) the regulation of the provision of the municipal service by a service provider and commercial services by licensees; and
 - (c) enhancing sustainable development.
- (2) In pursuing the main objects of these By-laws, and in particular the object set out in subsection (1)(b), the Council must –
 - (a) endeavour to minimise the consumption of natural resources;
 - (b) promote the re-use and recycling of waste;
 - (c) encourage waste separation to facilitate re-use and recycling;
 - (d) promote the effective resourcing, planning and delivery of the municipal service and commercial services;
 - (e) endeavour to achieve integrated waste planning and services on a local basis;
 - (f) promote and ensure an environmentally responsible municipal service and commercial service; and
 - (g) endeavour to ensure compliance with the provisions of these By-laws.

CHAPTER 2

WASTE MANAGEMENT INFORMATION SYSTEM

Establishment of an information system

4. (1) The Council must establish and maintain a waste management information system which records how waste is managed within the municipal area.
- (2) The information system may include any information relating to or connected with the management of waste within the municipal area.

Purpose of the information system

5. (1) The purpose of the information system referred to in section 4, is for the Council to –
- (a) record data relating to the implementation of the local waste plan and the management of waste in the municipal area;
 - (b) record information held by the Council in relation to any of the matters referred to in section 6(1);
 - (c) furnish information upon request or as required by law to the Gauteng provincial or national government;
 - (d) gather information and undertake strategic planning regarding potential and actual waste generators, service providers and licensees; and
 - (e) provide information to waste generators, service providers, licensees and the local community in order to–
 - (i) facilitate monitoring of the performance of the Council, service providers and licensees, and, where applicable, waste generators;
 - (ii) stimulate research; and
 - (iii) assist the Council to achieve the main objects of these By-laws specified in section 3.

Provision of information

6. (1) The Council may, subject to the provisions of any other law including the common law, require any waste generator, licensee, service provider or person involved in or associated with the provision of the municipal service or any commercial service within the municipal area to furnish information to the Council which may reasonably be required for the information system, and which may concern –
- (a) significant sources of waste generation and the identification of the generators of waste;
 - (b) quantities and classes of waste generated;
 - (c) management of waste by waste generators;
 - (d) waste handling, waste treatment and waste disposal facilities;
 - (e) population and development profiles;
 - (f) reports on progress in achieving waste management targets;
 - (g) the management of radioactive waste;
 - (h) any information which has been compiled in accordance with section 27(2)(d);
 - (i) markets for waste by class of waste or category; and
 - (j) any other information required by legislation, regulations or guidelines.
- (2) The Council may determine when and how often information must be furnished.

CHAPTER 3**MUNICIPAL SERVICE*****Part 1 : Providing access to municipal services*****Duty to provide access to municipal service**

7. (1) The Council has a duty to the local community progressively to ensure efficient, affordable, economical and sustainable access to the municipal service.
- (2) The duty referred to in subsection (1) is subject to –
- (a) the obligation of the members of the local community to pay the prescribed fee, for the provision of the municipal service, which must be in accordance with any nationally prescribed norms and standards for rates and tariffs; and
 - (b) the right of the Council to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service.
- (3) The Council must take the following factors into account in ensuring access to the municipal service:
- (a) The waste management hierarchy set out in section 2(2);
 - (b) the need to use resources efficiently;
 - (c) the need for affordability;
 - (d) the requirements of operational efficiency;
 - (e) the requirements of equity; and
 - (f) the need to protect human health and the environment.

The provision of the municipal service

8. (1) The Council must as far as reasonably possible and subject to the provisions of these By-laws, provide for the collection of domestic waste, business waste and dailies on a regular basis and at a cost to end users determined in accordance with the prescribed fee.
- (2) In relation to the municipal service, the Council may determine the quantities of waste that will be collected;
- (a) which residential or commercial premises require an increased frequency of the municipal service for reasons of health, safety or environmental protection;
 - (b) the maximum amount of waste that may be placed for collection without the provision of an additional service or payment of an additional prescribed fee; and
 - (c) requirements for the provision of waste storage areas and access to such areas in respect of premises which are constructed or reconstructed after the commencement of these By-laws.
- (3) The Council may provide, or instruct a generator of waste to provide, an approved receptacle for the storage of domestic waste, business waste and dailies pending collection or the Council may provide such receptacle which remains the property of the Council.

- (4) In providing the municipal service, the Council may determine or designate -
- (a) collection schedules;
 - (b) locations for placing approved receptacles for collection;
 - (c) which types of waste generated by the occupier of any premises are separable for the purposes of recycling and the conditions for their separation, storage or collection; and
 - (d) which waste items are unsuitable for collection because they do not constitute domestic waste, and if waste is determined to be unsuitable for collection, a process for collection of such waste should be recommended to the owner of the waste.
- (5) The Council may require a generator of dailies or business waste to compact that portion of the waste that is compactable, if the quantity of dailies or business waste generated on premises requires daily removal of more than the equivalent of eight 240-litre bins and if, in the opinion of the Council, the major portion of such waste is compactable.
- (6) An occupier of premises may elect to compact any volume of waste referred to in subsection (5), and place it into an approved receptacle or wrapper, provided -
- (a) the capacity of the wrapper does not exceed 85 litres and the mass of the wrapper and contents does not exceed 35 kilograms; and
 - (b) after the waste has been compacted and put into the wrapper, it is placed in an approved receptacle and stored so as to prevent damage to the wrapper or any nuisance arising until it is collected.
- (7) Any approved receptacle used in terms of subsection (6) may be collected, emptied and returned to the premises by the Council at such intervals as it may consider necessary.
- (8) The Council may at any time review any decision taken by it in terms of subsection (4).
- (9) The Council must in writing notify every generator of domestic waste, business waste and dailies of any decision taken in terms of subsection (2) or (3) relating to his or her premises.
- (10) Non-receipt of a notice contemplated in subsection (9), does not affect the application of any provision of these By-laws nor the liability to pay any prescribed fee provided for in these By-laws.

Part 2: Using municipal service

Obligations of generators of domestic waste, business waste and dailies

9. (1) Any person generating domestic waste, business waste and dailies, other than waste which has been designated by the Council as recyclable as contemplated in section 8(4)(c), must place such waste, in an approved receptacle.
- (2) No person may allow an animal in his or her control to interfere with, overturn or damage a receptacle, which has been placed for collection.

- (3) The occupier of premises must ensure that -
- (a) no hot ash, unwrapped glass or other domestic waste, business waste or dailies which may cause damage to approved receptacles or which may cause injury to the Council's employees while carrying out their duties in terms of these By-laws, is placed in an approved receptacle before suitable steps have been taken to avoid such damage or injury;
 - (b) no material, including any liquid, which by reason of its mass or other characteristics is likely to render an approved receptacle unreasonably difficult for employees of the Council to handle or carry, is placed in an approved receptacle;
 - (c) every approved receptacle on the premises is kept closed save when waste is being deposited in it or discharged from it, and every approved receptacle is kept in a clean and hygienic condition;
 - (d) no approved receptacle delivered by the Council is used for any purpose other than the storage of domestic waste, business waste and dailies and, in particular, that no fire is lit in such receptacle;
 - (e) an approved receptacle is placed outside the entrance to the premises before a time and on a day of the week specified by the Council by written notice to the owner or occupier of the premises, except where, on written application to the Council, the Council has indicated in writing that it is satisfied that a person is physically infirm or otherwise incapable of complying with the notice;
 - (f) an approved receptacle, placed in accordance with paragraph (e) is not damaged and properly closed so as to prevent the dispersal of its contents; and
 - (g) dailies are not placed in a receptacle or compactor where they are able to contaminate another waste stream.
- (4) The owner or occupier of premises must provide space and any other facility considered necessary by the Council on the premises for the storage of approved receptacles.
- (5) The space provided in terms of subsection (4), must -
- (a) be in a position on the premises which will allow the storage of any approved receptacle without it being visible from a public road or public place;
 - (b) if dailies are generated on premises -
 - (i) be in a position which will allow the collection and removal of that waste by the Council's employees without hindrance; and
 - (ii) not be more than 20 metres from the entrance to the premises used for the collection of waste by the Council;
 - (c) be so located as to permit convenient access to and egress from such space for the Council's waste collection vehicles;
 - (d) comply with any further requirements imposed by the Council by written notice to the owner or occupier of the premises; and
 - (e) be constructed in accordance with the requirements of any applicable legislation relating to buildings.
- (6) The occupier of premises must place or cause the approved receptacles to be placed in the space provided in terms of subsection (4) and must at all times keep them there.

(7) Notwithstanding the provisions of subsection (6) –

- (a) in the case of a building erected, or a building, the building plans of which have been approved, prior to the commencement of these By-laws; or
- (b) in the event of the Council being unable to collect and remove waste from the space provided in terms of subsection (4),

the Council may, having regard to the avoidance of a nuisance and the convenience of collection of waste, indicate a position within or outside the premises concerned where approved receptacles must be placed for the collection and removal of waste and such receptacles must then be placed in that position at such times and for such period as the Council may require.

Liability to pay for municipal service

10. (1) The owner of premises is liable to pay to the Council the prescribed fee for the provision of the municipal service, and is not entitled to exemption from, or reduction of the amount of such fee by reason of not making use, or of making a partial or limited use, of the municipal service.
- (2) (a) A prescribed fee becomes due and payable on the due date for payment stipulated in the account.
- (b) Non-receipt of an account does not relieve the person concerned of the liability to pay a prescribed fee before or on the due date.

CHAPTER 4

COMMERCIAL SERVICES

Part 1: Provision of commercial services by licensees and flow control

Provision of commercial services by licensees

11. (1) Except in the case of garden waste, only a licensee may provide a commercial service.
- (2) Any person requiring a commercial service must satisfy himself that the contractor is licensed to collect and dispose of the category of waste that has been generated.

Provision for Council co-ordination of waste disposal

12. (1) The Council may by a notice published in the Gauteng Provincial Gazette, direct that a category of waste be disposed of at a particular waste disposal facility or waste handling facility.
- (2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by the Council under other empowering legislation prior to the commencement of these By-laws.

Part 2: Business, industrial and recyclable waste**Storage of business, industrial and recyclable waste**

13. (1) The owner or occupier of premises on which business, industrial or recyclable waste is generated, must ensure that until such time as such waste is collected by a licensee from the premises on which it was generated –
- (a) the waste is stored in a bulk container or other approved receptacle; and
 - (b) no nuisance or health risk, including but not limited to dust, is caused by the waste in the course of generation, storage or collection.

Collection and disposal of industrial, business and recyclable waste

14. (1) The owner or occupier of premises generating business, industrial or recyclable waste must ensure that –
- (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
 - (b) the waste is collected by a licensee within a reasonable time after the generation thereof; and
 - (c) that the service rendered by the licensee is only in respect of that portion of the business, industrial or recyclable waste authorised in the licence concerned.
- (2) A licensee must dispose of business, industrial and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility in compliance with the provisions of section 12(2) and 23.

Part 3: Garden waste and bulky waste**Storage, collection and disposal of garden waste and bulky waste**

15. (1) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- (2) The occupier of the premises on which garden waste is generated and not composted or on which bulky waste is generated must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (3) Any person or licensee may remove garden waste and bulky waste, provided once such waste has been collected from the premises on which it was generated, it is deposited at a garden waste handling facility in accordance with the provisions of section 23.

- (4) (a) At the written request of the occupier of premises, the Council may deliver an approved receptacle to the premises for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste.
- (b) The provisions of section 9, read with the necessary changes, apply to an approved receptacle delivered in terms of paragraph (a).
- (5) If, in the course of providing the municipal service, the Council is of the opinion that it would cause inconvenience to members of the public not, at the same time, to remove garden and bulky waste, the Council may remove such waste if such waste has been placed in an approved receptacle in the space designated for domestic waste, in which event the prescribed fee for domestic waste, read with the necessary changes, applies.

Part 4: Building waste

Generation of building waste

16. (1) The owner or occupier of premises on which building waste is generated, must ensure that –
- (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
- (b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
- (c) any building waste which is blown off the premises, is promptly retrieved; and
- (d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.

Storage of building waste

17. (1) The Council may, subject to the provisions of subsection (2), determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- (2) (a) Every receptacle used for the storage and removal of building waste must have clearly marked on it the name, address and telephone number of the person in control of that receptacle;
- (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
- (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.

Collection and disposal of building waste

18. (1) The owner or occupier of premises on which building waste is generated, must ensure that the waste is disposed of by a licensee.
- (2) All building waste must be disposed at a waste disposal facility designated for that purpose by the Council in terms of section 12, unless the Council has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

Part 5: Special industrial, hazardous or health care risk waste**Generation of special industrial, hazardous or health care risk waste**

19. (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of, and the identity of the licensee who will remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the Council as contemplated in this subsection within 180 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis of the composition of the waste concerned, certified by an appropriately qualified industrial chemist.
- (3) The person referred to in subsection (1), must notify the Council in writing of any change occurring with respect to the generation, composition, quantity, method or location of disposal of the special industrial, hazardous, or health care risk waste.

Storage of special industrial, hazardous or health care risk waste

20. (1) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (2) Special industrial, hazardous or health care risk waste stored on premises, must be stored in such a manner that it does not become a nuisance or causes harm to human health or damage to the environment, and in accordance with the requirements of any applicable legislation relating to buildings.
- (3) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Water and Environmental Affairs, Gauteng provincial government or Council, before collection.

Collection and disposal of special industrial, hazardous or health care risk waste

21. (1) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to him or her under Chapter 6 as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (2) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council at intervals stipulated in the licence issued under Chapter 6, of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.

- (3) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility and in accordance with the provisions of section 23.

CHAPTER 5

TRANSPORTATION AND DISPOSAL OF WASTE

Transportation of waste

22. (1) No person may –
- (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net; and
 - (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (2) Subject to the provisions of subsection (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Disposal of waste

23. (1) (a) Waste generated in the municipal area must be disposed of at a waste disposal facility where such disposal is permitted by the Council.
- (b) In disposing of waste, a licensee must comply with the provisions of section 12(2) and with the provisions of any other law regulating the disposal of waste.
- (2) No person may burn waste either in a public or private place, for the purpose of disposing of that waste.
- (3) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or Gauteng provincial authorities permit such incineration, or at a place designated by the Council for that purpose.
- (4) Notwithstanding the provisions of subsection (1), a person may dispose of those forms of recyclable waste specified by the Council in a notice in terms of section 12 at a designated garden waste handling facility, but may do so only if all such waste is brought to the facility in a vehicle able to carry a maximum load of one tonne or less.
- (5) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the National Department of Water Affairs and Forestry, subject to such conditions as the Council may impose, including the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matter which the Council considers necessary to ensure the environmentally sound management of waste.

- (6) Every person who enters a waste disposal facility must –
- (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility;
 - (b) at the request of the person in charge of a waste disposal facility, provide the Council or that person with any information regarding the composition of the waste disposed of or to be disposed of; and
 - (c) comply with any instruction by the person in charge of a waste disposal facility in regard to access to, the actual place where, and the manner in which, waste must be deposited.
- (7) No person may –
- (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised to do so by the person in charge of the waste disposal facility or the Council and then only at such times and subject to such conditions as the Council or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on a waste disposal facility without the prior written consent of the person in charge of that facility.
- (8) Any person who contravenes subsection (7)(c) is liable for all costs reasonably incurred by the Council in removing or otherwise dealing with the waste concerned.
- (9) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
- (10) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
- (11) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge to leave a waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by a member of the Johannesburg Metropolitan Police Department.
- (12) No person may store waste for more than 90 consecutive days, unless the person has a permit in respect of the premises concerned for a waste disposal facility from the Department of Water and Environmental Affairs in terms of section 20(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

CHAPTER 6**LICENSEES****Licence requirements**

24. (1) Subject to the provisions of section 32, no person may collect or transport any of the following waste streams listed in subsection (2) without having obtained from the Council, and being in possession of a licence authorising such collection and transportation:
- (a) business (bulk containerised) waste;
 - (b) industrial waste;
 - (c) special industrial waste;
 - (d) hazardous waste;
 - (e) recyclable waste
 - (f) health care risk waste; and
 - (g) building waste.
- (2) A licence issued under this Chapter -
- (a) is incapable of cession or assignment without the prior written consent of the Council;
 - (b) is valid only for the category of waste specified therein; and
 - (c) expires one year after the date of issue subject to the provisions of sections 28(4) and 32(2).

Licence applications

25. (1) An application for a licence to provide a commercial service must be
- (a) made in writing on a form prescribed by the Council and accompanied by the documentation specified in that form; and
 - (b) accompanied by the prescribed fee.
- (2) The Council must consider each application, having regard to the following:
- (a) The applicant's compliance, where relevant, with the National Road Traffic Act, 1996, and with these By-laws;
 - (b) the environmental, health and safety record of the applicant; and
 - (c) the nature of the commercial service to be provided.
- (3) Before considering an application made in terms of subsection (1), the Council may require the applicant to furnish such information as it may require.
- (4) After considering the application in terms of subsection (2), the Council must either -
- (a) approve the application by issuing a licence subject to any condition it may impose; or
 - (b) reject the application.

- (5) If the Council fails to consider and grant or reject a licence application within 60 days of its receipt of the application, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.

Suspension and revocation of licences

26. (1) A licence issued under this Chapter may be suspended or revoked by the Council on the grounds that the licence holder -
- (a) has failed to comply with any provision of these By-laws;
 - (b) has failed to comply with any provision of any national or Gauteng provincial legislation which regulates the collection, transportation or disposal of waste;
 - (c) has failed to comply with any licence condition contemplated in section 25(4)(a); or
 - (d) on any other ground which the Council considers relevant, which is fair and reasonable in the circumstances.
- (2) A licence may only be suspended or revoked after -
- (a) the licence holder has been given written notice that the Council is considering the suspension or revocation of the licence; and
 - (b) after the licence holder has been given a period of 30 days after service of the notice to make representations to the Council as to why the licence should not be suspended or revoked.
- (3) The Council must -
- (a) make a decision within 14 days of receipt of the representations contemplated in subsection (2)(b), if any, or within 14 days after the licence holder informed the Council that he or she does not wish to make representations, or if no representations are received, within 14 days of the expiry of the period referred to in subsection (2)(b); and
 - (b) inform the licence holder of its decision in writing within seven days of making it.
- (4) Subject to the provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Council may not disclose any confidential commercial information submitted as part of a licence application procedure to any person other than a Council official requiring such information to perform his functions for the purposes of these By-laws.

Licence terms and conditions

27. (1) When issuing a licence under this Chapter, the Council may, subject to the provisions of subsection (2), impose any reasonably necessary condition in furthering national, Gauteng provincial or Council, waste management policy.
- (2) Any licence issued under this Chapter must -
- (a) specify the licence period contemplated in section 24(2)(c) and the procedure for renewal of the licence;
 - (b) specify every category of waste which the licence holder may collect and transport;

- (c) contain a requirement that the licence holder must comply with, and ensure compliance by his or her employees, agents and sub-contractors, with these By-laws and applicable national and Gauteng provincial legislation; and
- (d) require the licence holder to keep monthly written records on a form prescribed by the Council of the quantities of each category of waste collected and transported during the licence period.

Renewal of licences

28. (1) A licence holder who wishes to renew his or her licence must apply to renew the licence concerned at least 90 days prior to the expiry of the existing licence.
- (2) The Council must consider and grant or reject a licence renewal application within 60 days of the receipt of the application subject to the provisions of section 25(3) and in accordance with section 25(4).
- (3) If the Council fails to consider and grant or reject a licence renewal application within 60 days, it must inform the applicant in writing that the period for consideration is extended and must inform the applicant of the date by which a decision will be made.
- (4) A licence in respect of which application for renewal has been made in terms of subsection (1), remains valid until a final decision has been made in respect of that application.

Display of licences

29. (1) Upon issuing a licence under this Chapter, the Council must issue to the licence holder a numbered sticker for each vehicle to be used for the purpose concerned confirming that the licence holder is authorised to collect and transport the category of waste specified on the sticker.
- (2) The stickers must vary in colour for each category of waste.
- (3) The licence holder must affix such sticker to each vehicle to be utilised to provide the service and display the sticker at all times.
- (4) Waste for processing or disposal at a waste disposal facility will be only be received at such facility from a contractor who is licenced and on whose vehicle a sticker required in terms of subsection (3), is displayed.

Prohibited conduct

30. No licence holder may –
- (a) intentionally or negligently operate in contravention of any condition of the licence concerned;
 - (b) intentionally or negligently fail or refuse to give information, when required to do so in terms of these By-laws, or give false or misleading information;
 - (c) intentionally or negligently fail to take all reasonable steps to prevent a contravention of these By-laws, by any act or an omission of his or her employee acting in the course and scope of his or her duties, or

- (d) collect or transport any waste except in a properly constructed, watertight vehicle or in a suitable container that prevents spillage of waste, the suitability of the vehicle to be dependant on the waste stream contemplated in section 24(1), to be collected or transported, as specified in the National Road Traffic Act, 1996.

Exemptions

31. The Council may, having regard to the main objects of these By-laws contemplated in section 3(1), and its local waste plan, by notice in the Gauteng Provincial Gazette, exempt any type of commercial service from any provision of this Chapter to the extent and subject to the terms specified in such notice.

Transitional provisions

32. (1) Any person who is at the commencement of these By-laws lawfully providing a commercial service for which a licence is required under this Chapter, must within 90 days of such commencement, make application for a licence in terms of section 25, failing which such person's right to provide such service lapses.
- (2) If an application is submitted in terms of subsection (1), the applicant may continue to provide the commercial service in respect of which the application has been made until a final decision has been taken in respect of that application.

CHAPTER 7

ACCUMULATING WASTE, LITTERING, DUMPING AND ABANDONED ARTICLES

Accumulating waste

33. Every owner and occupier of premises must keep those premises clean and free from any waste which is likely to cause a nuisance, harm to human health or damage to the environment.

Duty to provide facilities for litter

34. (1) The Council, or owner in the case of privately owned land, must take reasonable steps to ensure that a sufficient number of approved receptacles are provided for the discarding of litter by the public, on any premises to which the public has access.
- (2) The Council, or owner of privately owned land, must ensure that every receptacle provided in terms of subsection (1), is –
- (a) maintained in good condition;
 - (b) suitably weighted or anchored so that it cannot be inadvertently overturned;
 - (c) constructed in such a manner as to ensure that it is weatherproof and animal proof;
 - (d) of a suitable size so that the receptacles on the premises are capable of containing all litter likely to be generated on the premises;
 - (e) placed in a location convenient for the use by users and occupants of the premises to discourage littering or the accumulation of waste; and
 - (f) emptied and cleansed periodically to ensure that no receptacle or its contents become a nuisance.

Prohibition of littering

35. (1) No person may -

- (a) cause litter;
- (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
- (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause any of the contents of the receptacle to spill from it; or
- (d) allow any person under his or her control to do any of the acts referred to in paragraph (a), (b) or (c).

(2) Notwithstanding the provisions of subsection (1), the Council, or the owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed from the premises concerned to prevent the litter from becoming a nuisance.

Prohibition of dumping and abandoning articles

36. (1) No person may deposit or permit the depositing of any waste, whether for gain or otherwise, upon any land or in any building of which he is the owner or occupier except if such deposit is made in accordance with the provisions of these By-laws.

(2) Subject to any provision to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.

(3) No person may dump waste.

(4) Any article, other than a motor vehicle deemed to have been abandoned as contemplated in regulation 320 of the National Road Traffic Regulations, 2000, made under the National Road Traffic Act, 1996, which, in the light of such factors as the place where it is found, the period it has been at such place and the nature and condition of such article, is reasonably considered by the Council as having been abandoned, may be removed and, subject to the provisions subsection (6), disposed of by the Council as it deems fit.

(5) The Council may remove and, subject to the provisions of subsection (6), dispose of any article which is chained or fastened to any pole, parking meter or any other property of the Council as it deems fit.

(6) If an article contemplated in subsection (4) or (5), is, in the opinion of the Council, of significant financial value, the Council may not dispose of it unless it has published a notice in a newspaper circulated in the area where the article was found, describing the article, stating the Council's intention to dispose of it and inviting the owner, or person legally entitled thereto, to claim the article within 30 days of the date of publication of the notice and such article may only be disposed of if no valid claim is made during such period.

CHAPTER 8**AUTHORISED OFFICIALS AND DESIGNATED OFFICERS****Identification documents**

37. (1) An authorised official must, upon appointment, be issued with an identification document by the Council which must state the name and powers and function of that official, and include a photograph of the official.
- (2) An authorised official, exercising his powers or performing his functions and duties for the purposes of these By-laws, must present an identification document issued in terms of subsection (1) on demand by a member of the local community.

Powers of authorised officials and designated officers

38. (1) In addition to the powers, functions and duties an authorised official or designated officer has by virtue of his appointment as such, an authorised official or designated officer, may with the consent of the owner or person in charge of a vehicle or other mode of conveyance, search that vehicle or other mode of conveyance found in any place other than on premises not belonging to the Council.
- (2) If consent is not obtained in terms of subsection (1), a vehicle or other mode of conveyance may be searched or stopped and searched, only pursuant to a warrant issued by a justice of the peace as contemplated in sections 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), and subject to section 25 of the Gauteng Rationalisation Act, read with the necessary changes.
- (3) (a) If, in the opinion of an authorised official or designated officer, any search of a vehicle or other mode of conveyance, in terms of subsection (1) or (2), gives rise to the reasonable apprehension that the presence of waste in or on such vehicle or other mode of conveyance is a serious and immediate danger to human health or to the environment, the authorised official or designated officer must instruct the owner or person in control of the vehicle concerned in writing to take the steps specified in that instruction which, in the opinion of such official or officer, are necessary to mitigate harm to human health or damage to the environment.
- (b) In the event of a refusal or failure to comply with an instruction given in terms of paragraph (a), the authorised official or designated officer concerned may report the matter to the Johannesburg Metropolitan Police Department with a view to seizure of the vehicle concerned in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

Powers to question

39. (1) For the purposes of administering, implementing and enforcing the provisions of these By-laws, an authorised official or designated officer, may, require a licensee or any other person to disclose information, either orally or in writing, and either alone or in the presence of a witnesses, on any matter to which these By-laws relate and require that the disclosure be made on oath or affirmation.

- (2) An authorised official or designated officer may for the purposes of subsection (1) be accompanied by an interpreter and any other person reasonably required to assist that official or officer.

Observance of human rights

40. The provisions of section 27 of the Gauteng Rationalisation Act, read with the necessary changes, apply to the exercise by an authorised official of any of the powers contemplated in sections 38 and 39.

Supervision of licensees

41. (1) A designated officer must, subject to the provisions of Chapter 5 of the Gauteng Rationalisation Act, inspect every workplace of a licensee not less than twice a year.
 - (2) A licensee must allow a designated officer access for the purposes of an inspection in terms of subsection (1).
 - (3) If a designated officer is, after an inspection in terms of subsection (1), of the opinion, that a licensee is complying with these By-laws, he must, subject to the provisions of subsection (4), issue the licensee with a certificate confirming such compliance, in which must be stated –
 - (a) the name and residential and postal address of the licensee;
 - (b) the address of the premises inspected;
 - (c) the time, date and scope of the inspection; and
 - (d) any remarks which, in the opinion of the designated officer, may be relevant.
 - (4) If a licensee fails to obtain a certificate confirming compliance at three consecutive inspections done at intervals of not less than 120 days, a designated officer may recommend that the Council review the licence concerned, and should there be reasonable grounds, the Council may suspend or revoke the licence concerned in terms of section 26.
 - (5) A designated officer must keep a register recording each inspection which he or she has undertaken, in terms of subsection (1).

Compliance notices

42. (1) If, in the opinion of an authorised official, a person is contravening any provision of these By-laws, that official may in writing issue a compliance notice and serve it on the person concerned.
 - (2) The provisions of section 32 of the Gauteng Rationalisation Act, read with the necessary changes, apply to a compliance notice contemplated in subsection (1).

Representations

43. (1) Any person on whom compliance notice as contemplated in section 42 or section 32 of the Gauteng Rationalisation Act, was served, may make representations to the Council, by submitting a sworn statement or affirmation to the Council, within 21 days of the service of the compliance notice.

- (2) Representations not lodged within 21 days must not be considered, except if the person concerned has shown good cause and the Council condones the late lodging of the representations.
- (3)
 - (a) The Council must consider the representations and any response thereto by an authorised official, designated officer or any other person, if any, and may conduct any further investigation to verify the relevant facts.
 - (b) If the Council conducts a further investigation, the results of such investigation must be made available to the person who made the representations, who must be given an opportunity to respond thereto and the Council must consider such response.
- (4)
 - (a) After the Council, is satisfied that the requirements of subsection (3) have been satisfied, it must make an order in writing and serve a copy of thereof on the person concerned setting out its findings.
 - (b) Such an order may –
 - (i) confirm, alter or set aside in whole or in part, the compliance notice concerned; and
 - (ii) must, if relevant, specify the period within which the person concerned must comply with the order.
- (5) If a person makes representations in terms of subsection (1), any requirement to comply with the compliance notice concerned, is suspended until an order is made in terms of subsection (4)(b) unless, in the opinion of the Council, an environmental emergency has been caused in which event and without derogation from any right that the person concerned may have or acquire to any relief of whatever nature, the person concerned must immediately comply with such notice on being instructed, orally or in writing, by the Council to do so.
- (6) If a person, fails to comply with such an order in terms of subsection (5), the Council may itself cause the environmental emergency to be stopped, reversed or abated and recover any reasonable and necessary expenditure which it has incurred or may incur in taking those steps, from that person.

CHAPTER 9

MISCELLANEOUS

Ownership

44. (1) The person holding a permit to operate a waste disposal facility becomes the owner of all waste upon disposal thereof at that facility.
- (2) A person who generates domestic waste is the owner thereof until it is collected by the Council which then becomes the owner thereof.
- (3) A person who abandons any article, is liable for any damage which that article may cause as well as for the cost of removing that article, notwithstanding the fact that such person may no longer be the owner thereof.

Serving of documents

45. A notice, instruction, order or other document which has to be served for the purposes of these By-laws, is regarded to have been properly served or delivered if -
- (a) it has been served on or delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
 - (c) it has been served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address.

Offences and penalties

46. Any person, who -
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these By-laws; or
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws, or
 - (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of a continuing offence, to a further fine not exceeding R50 or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal of by-laws

47. The By-laws listed in Schedule 1 are hereby repealed.

Short title

48. These By-laws are called the Waste Management By-laws, 2003.

SCHEDULE 1

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice No.2732 published in the Provincial Gazette dated 11 November 1998	Greater Johannesburg Northern Metropolitan Local Council: Waste Management By-laws	The whole
Administrator's Notice No. 1917 published in the Transvaal Provincial Gazette dated 21 December 1977.	Sandton Municipality: Refuse Removal By-Laws	The whole
Administrator's Notice No. 1091 published in the Transvaal Provincial Gazette dated 18 August 1982.	Midrand Municipality: Refuse (Solid Wastes) and Sanitary By-Laws	The whole
Local Authority Notice No. 2232 dated 29 July 1992.	Johannesburg Municipality: Solid Waste By-Laws	The whole
Local Authority Notice No.1591 published in the Gauteng Provincial Gazette dated 15 July 1998.	Western Metropolitan Local Council: Waste Management By-Laws	The whole

NOTICE 835 OF 2004**CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY****WATER SERVICES BY-LAWS**

The Municipal Manager of the City of Johannesburg Metropolitan Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Water Services By-laws for the City of Johannesburg Metropolitan Municipality, as approved by its Council, as set out hereunder.

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CHAPTER 1**GENERAL PROVISIONS****Definitions and interpretation**

1. (1) In these By-laws and the Schedules thereto, unless the context otherwise indicates -

"accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;

"affected person" means a person who has been served with a designated notice;

"Act" means the Water Services Act No, 1997 (Act No. 108 of 1997);

"air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;

"approved" means approved by the Council ;

"authorised official" means any official of the Council who has been authorized by it to administer, implement and enforce the provisions of these By-laws;

"backflow" means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;

"backflow preventer" means any device or means to prevent backflow;

"back siphonage" means the backflow resulting from pressures lower than atmospheric pressure in the water installation;

"basic sanitation" means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"basic water supply" means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water, and includes a spring;

"building regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977);

"business unit" in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;

"combined installation" in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"commercial effluent" means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

"commercial purpose" in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;

"communal sewer" means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

"communal water connection" means a consumer connection through which water services are supplied to more than one consumer, and "communal water services work" has a corresponding meaning

"connecting point" means the point at which a drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;

"connection pipe" means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code O252 Part I;

"consumer" means-

- (a) any person who occupies premises to whom, and in respect of which premises, the Council-
 - (i) has agreed to provide water services;
 - (ii) is actually providing water services;
 - (iii) has entered into an agreement with the Council for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Council is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- (d) any end-user who receives water services from the Council or other water services institution.

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

"Council" means -

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

"day" means a 24 hour period commencing and ending at 24:00;

"designated officer" means a person in the employ of the Council, authorized as a designated officer in terms of Section 22 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act No. 10 of 1998), or if the Council has for the purposes of these By-laws, appointed a service provider which is still operative, an employee of such service provider, authorized by it as a designated officer in terms of Section 101 of these By-laws and acting within the scope of the powers, functions and duties assigned to that service provider by the Council.

"domestic purposes" in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or, otherwise connected with the drainage of any premises;

"dwelling unit" means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;

"ECA" means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

"effluent" means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

"EIA" means an environmental impact assessment as contemplated in NEMA , and/or the ECA

"EIA regulations" means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;

"enforcement notice" means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 111;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

"fire installation" means a potable water installation that conveys water intended for fire-fighting purposes only;

"fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

"flood level" means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

"flood plain" means the area below the flood level subject to inundation;

"general installation" means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

"household" means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals;

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or stormwater, and "trade effluent" bears the same meaning;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

"installation work" means work in respect of the construction of, or carried out on, a water installation;

"law" means any law, including the common law;

"main" means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;

"measuring device" means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

"meter" means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

"National Water Act" means the National Water Act 1998 , (Act No. 36 of 1998);

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;

"occupier" means a person who occupies any premises or part thereof;

"owner" includes –

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and

- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;
- (e) in relation to -
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
 - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

"person" means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;

"premises" means any piece of land, with or without improvements, the external surface boundaries of which are delineated on-

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

"prepayment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased;

"prepayment measuring system" means a meter and ancillary devices, approved by the Council, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;

"prescribed" means, determined by resolution of the Council from time to time;

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

"prescribed tariff" means a schedule of prescribed fees;

"professional engineer" means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

"public notice" means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;

"qualified plumber" means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate therefor;

"sanitation services" means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

"SABS" means South African Bureau of Standards;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier, and which is connected, or to be connected, to a connection pipe to serve the water installation on the premises;

"sampler" means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Council;

"sewage" means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

"sewage disposal system" means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

"sewer" means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and "municipal sewer" has a corresponding inclusive meaning;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;

"stormwater" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"Systems Act" means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000) ;

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water;

"trade premises" means premises upon which any form of industrial effluent is produced;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and water fittings which are situated on any premises and vested in the owner thereof, and used, or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises, or is otherwise laid with the permission of the Council;

"water services" means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;

"water services work" means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution –

- (i) to provide water services;
- (ii) to provide water for industrial use; or
- (iii) to dispose of industrial effluent;

"water supply services" means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;

"water supply system" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;

"wet industry" means an industry which discharges industrial effluent;

"working day" means a day other than a Saturday, Sunday and public holiday;

"working month" means a calendar month excluding any Saturday, Sunday, and public holiday.

- (2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Meaning of certain words the same as in Acts

2. Any word or expression used in these By-laws to which a meaning has been assigned in-
- (a) the Act will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning;
- unless the context indicates otherwise.

Levels of Service

3. (1) The Council may provide the various levels of service set out in subsection (2) to consumers at the fees set out in the schedule of fees, determined by the Council.

- (2) The levels of service shall comprise -

- (a) Service Level 1,

which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations, and must consist of-

- (i) a water supply from communal water points; and
 - (ii) a ventilated improved pit latrine located on each site;
- and

- (b) Service Level 2,

which must consist of -

- (i) an unmetered water connection to each stand with an individual yard standpipe;
- (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
- (iii) a pour flush toilet which must not be directly connected to the water installation;

which service must be provided to consumers at the fees set out in the schedule of fees determined by the Council, provided that-

- (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
- (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
- (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and

- (dd) the Council may adopt any measures necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.
- (c) Service Level 3,
- which must consist of -
- (i) a metered full pressure water connection to each stand; and
 - (ii) a conventional water borne drainage installation connected to the Council's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (2)(b) -
- (a) the Council may install a prepayment meter in the service pipe on the premises; and
 - (b) the fees for water services must be applied in accordance with section 6.
- (4) The level of service to be provided to a community may be established in accordance with the policy of the Council and subject to the conditions determined by the Council.

Application for water services

4. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water from the water supply system, or utilise the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.
- (2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws, and is the consumer for all purposes during the currency of the agreement;
- (4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees under these By-laws.
- (5) An application form must contain at least the following minimum information -
- (a) a statement by the applicant that he or she is aware of and understands the contents of the form;
 - (b) acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
 - (c) the name of the proposed consumer, and his or her identity or registration number, where applicable;
 - (d) the address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates;

- (e) the address to which accounts must be sent;
 - (f) if water is to be supplied, the purpose for which the water is to be used;
 - (g) the agreed date on which the provision of water services will commence; and
 - (h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- (6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (7) The applicant must be informed if the Council refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence, or is unable to render the water services, and the Council must furnish the applicant with the reasons therefor and, if applicable, the date when the Council will be able to provide such water services.

Special agreements for water services

5. The Council may enter into a special agreement for the provision of water services to an applicant
- (a) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws; and
 - (b) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated.

FEEES

Prescribed fees for water services

6. (1) All prescribed fees payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed or fees on the specified date must be in terms of section 10 of the Act and regulations made thereunder.
- (2) All fees determined by the Council for the use of the sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the rules in Schedule A of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Council could be, connected to a sewer, the owner of that land must pay to the Council the fees determined by the Council.

Deposit

7. (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of money equal to the estimated fees for two average months water services as determined by the Council.
- (2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Council may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review -
- (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Council in excess of the revised deposit.
- (4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (6) No interest will be payable by the Council on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Council if it has not been claimed within twelve months of the date of termination of the agreement.
- (8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit must be paid before the water supply is reconnected.

Payment for water services

8. (1) Water services provided by the Council to a consumer must be paid for by the consumer at the prescribed fees, for the particular category of water services provided.
- (2) A consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- (3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate must, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.

- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 7(3)..
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees -
 - (a) the same quantity of water services must be regarded as having been provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) will not disentitle the Council from recovering any monies due to it by a consumer.

Payment in respect of prepayment meters

- 8A When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 7 and 8:
- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;
 - (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
 - (c) the Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, a prepayment meter and/or token.

Accounts

9. (1) Accounts must be rendered and administered in accordance with the requirements of the Council.
- (2) If it is established that a meter is defective, the Council must , in accordance with section 35:
- (a) in the case of a conventional meter, adjust the account rendered;
 - (b) in the case of a prepayment meter, (a) render an account where the meter has been under-reading; or (b) issue a free token where the meter has been over-registering.

- (3) The sections relating to credit control measures in these By-laws shall lapse upon the promulgation of relevant Credit Control By-Laws by the Council which replace the measures set out herein.

Accounts: transitional measures

- 9A. (1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Council.
- (2) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the Council for water services provided to a consumer must be paid not later than the last date for payment specified in such account, which date must be at least 14 days after the date of the account.
- (4) If payment of an account is received after the date referred to in subsection (3), a late payment fee or interest as may be prescribed, must be paid by the consumer to the Council.
- (5) Accounts must –
- (a) show the following –
- (i) the consumption or estimated consumption or assumed consumption as determined for the measuring and / or consumption period;
 - (ii) the measuring or consumption period;
 - (iii) the applicable tariff;
 - (iv) the amount due in terms of the consumption;
 - (v) the amount due and payable for any other service rendered in terms of these By-laws by the Council;
 - (vi) the amount in arrears, if any;
 - (vii) the interest payable on any arrears, if any;
 - (viii) the final date for payment; and
 - (ix) the methods, places and approved agents where payment may be made; and
- (b) state that –
- (i) the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments, at the Council's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into the Council may terminate or limit the water services after sending a final demand notice to the consumer;
 - (iii) legal action may be instituted against any consumer for the recovery of any amount 30 days in arrears;
 - (iv) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (v) the account may be handed over to a debt collector or attorney for collection;
 - (vi) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in before the final date for payment; and

- (vii) an indigent consumer is only entitled to basic water supply services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.

Queries or complaints in respect of account

- 9.B (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him, her or it.
- (2) A query or complaint must be lodged with the Council before or on the due date for payment of the account, or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Council must register the query or complaint and provide the consumer with a reference number.
- (5) The Council must—
- (a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was registered ; and
 - (b) must inform the consumer, in writing, of its finding as soon as possible thereafter, whereupon any arrears found to be due are payable must be paid within seven days from the date on which the consumer is notified of the amount found to be due and payable.

Arrears

- 9.C (1) If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be sent and may be hand delivered or posted, per mail, to the most recent recorded address of the consumer.
- (2) Failure to deliver or send a final demand notice does not relieve a consumer from paying such arrears.
- (3) The final demand notice must contain the following -
- (a) the amount in arrears and any interest payable, and the date by which such arrears and interest must be paid;
 - (b) that the consumer may conclude an agreement with the Council for payment of the arrears amount in instalments within 14 days of the date of the final demand notice;

- (c) that if no such agreement is entered into within the stated period that the water services will be discontinued or limited and that legal action may be instituted against any consumer for the recovery of any amounts 30 days or more in arrear, without further notice;
 - (d) that the consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector or attorney for collection;
 - (f) proof of registration as an indigent consumer in terms of the Council's indigent policy must be handed in to the Council on or before the date for payment contemplated in paragraph (a); and
 - (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
 - (h) an opportunity for the consumer to make representation in writing, on or before the date of payment contemplated in paragraph (a).
- (4) Interest may be levied on all arrears at a rate prescribed by the Council from time to time.
- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due will be allocated in reduction of the consolidated debt in the order determined by the Council.
- (6) The Council may, after the expiry of the period allowed for payment in terms of the final demand notice, hand deliver or send, per mail, to the last recorded address of the consumer -
- (a) a discontinuation notice informing such consumer that the provision of water services will be, or has been discontinued on the date stated on the discontinuation notice;
 - (b) a discontinuation notice must contain information advising the consumer of steps which can be taken to have the service re-connected.
- (7) If representations made by a consumer are unsuccessful either wholly or in part, a final demand notice complying with the provisions of subsections (3)(a) to (g) must be given to the consumer in the manner provided for in subsection (1), stipulating that no further representations may be made.
- (8) Subject to the provisions of the Act, and subject to the provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), having been observed, save that the Council's reasons for its decision to act must be supplied within seven days after a request therefore; the Council may discontinue water services to a consumer if -
- (a) full payment was not received within the period stated in the final demand notices referred to in subsections (3) and (7);
 - (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) no proof of registration as an indigent was furnished within the period provided for in the final demand notice contemplated in subsections (3) and (7);
 - (d) no payment was received in accordance with an agreement for payment of arrears;

- (e) no representations as contemplated in paragraph (h) of subsection (3) were made within the period provided for in the final demand notice, contemplated in subsection (3); and
 - (f) the representations referred to in subsection (7) have not been wholly acceded to by the Council.
- (9) Where an account rendered to a consumer remains outstanding for more than 60 days –
- (a) the defaulting consumer's name may be made public, and may be listed with a credit bureau or any other equivalent body as a defaulter; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (10) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) Where a body corporate is responsible for the payment of any arrears amount to the Council in respect of a sectional title development the liability of the body corporate shall be extended to the members thereof, jointly in proportion to the participation quota of each sectional title unit.
- (12) No action taken in terms of this section due to non-payment will be suspended or withdrawn, unless the arrears, any interest thereon, administration fee, additional charges, costs incurred in taking legal action and any penalty, including the payment of a higher deposit, which are payable, are paid in full.
- (13) Subject to the provisions of the Act, an agreement for payment of the arrears amount in instalments, entered into after the water services were discontinued, will not result in the water services being restored until the arrears, any interest thereon, administration fees, costs incurred in taking legal action and any penalty, including payment of a higher deposit, are paid in full.

Agreement for the payment of arrears in instalments

- 9.D (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, will be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order determined by the Council.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears will be longer than 24 months, unless the circumstances referred to in subsection (5) prevail.
- (5) The Council may, on an individual basis, allow a longer period than 24 months for the payment of arrears, if special circumstances prevail, that in the opinion of the Council warrants such an extension and which the consumer could not reasonably prevent or avoid, and documentary proof of any special circumstances must be furnished by the consumer on request by the Council.

- (6) The Council must, in exercising its discretion under sub-section (5) have regard to a consumer's—
 - (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments; and
 - (e) any other relevant factors.
- (7) A copy of the agreement must on request, be made available to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, any administration fee, costs incurred in taking legal action, and penalty, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to water services must be discontinued without further notice or correspondence, in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer is permitted to enter into an agreement for the payment of arrears in instalments, where that consumer failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides.

Termination of agreements

10. (1) Subject to the provisions of sections 9, 9A, 9B, 9C and 9D –
 - (a) a consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so;
 - (b) the Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if -
 - (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
 - (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section III or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law must be followed before the agreement is terminated; or
 - (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;
- (2) the Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

- (3) (a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (b) Should the consumer fail to carry out such measures, the Council may, subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

Limitation and/or discontinuation of water services

11. (1) Subject to the provisions of sections 9, 9A, 9B 9C, 9D and 10, the Council may limit or discontinue water services provided in terms of these By-laws -
- (a) at the written request of a consumer;
 - (b) if the agreement for the provision of services has been terminated in terms of section 10 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
 - (c) if the building on premises to which services were provided has been demolished;
 - (d) if the consumer has unlawfully interfered with the water installation or service in any way;
 - (e) in an emergency;
 - (f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - (g) if the use of the water services is creating significant environmental damage or water pollution.
- (2) The Council will, where a water service has been in terms of subsection (1) discontinued, only be obliged to restore it when the prescribed fees for the discontinuation and reconnection of the water service and any applicable deposit have been paid.

Restoration of water services

12. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, as soon as reasonably possible.

Water services via, and responsibility for, a communal sewer

13. The Council must provide sanitation services in respect of a communal sewer, only once an agreement whereby the community served by that sewer has, by means of an association or other legal entity, concluded an agreement for the maintenance and repair of the communal sewer with the Council, and such service must be supplied in accordance with the provisions of that agreement, read with the provisions of these By-laws.

Obligations

14. (1) The Council must take reasonable measures to realise the right of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations contained in the Act.
- (2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the representative of any such person, and who or which desires to consume water must make application to the Council to acquire such services.
- (3) If the Council is unable to meet the general requirements of all its consumers, it must give preference to providing a basic water supply and basic sanitation services to all its consumers.
- (4) The Council shall not be obliged to provide water services -
- (a) to areas or consumers outside the defined limits of the Council's area of jurisdiction;
 - (b) where, due to the nature of the topography, water services cannot be provided economically and/ or cost effectively; or
 - (c) where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers.

Prohibition of access to water services other than through the Council

15. (1) No person is permitted to have access to water services from a source other than the Council, without its written approval.
- (2) Despite the provisions of subsection (1) hereof, a person who, at the commencement of these By-laws, was using water from another source may continue to do so -
- (a) for a period of 60 days after he or she has been requested to apply for approval;
 - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
 - (c) for a reasonable period thereafter, within the discretion of the Council, if the application for approval is refused.
- (3) In granting approval, the Council may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Council.

Environmental impact assessments

16. (1) If an EIA is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA, and for the expenses connected therewith

- (2) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

General responsibility for compliance with these By-laws, and other laws

17. (1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- (2) The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water service
- (3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

Unauthorised use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) A designated officer may issue a compliance notice in terms of section III to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorised use of water services to -
 - (a) apply for such services in terms of section 4 or 5; and
 - (b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

Purpose of water services

19. Where the purpose or extent for which water services are used is changed, the consumer must inform the Council, and must enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect.

Interference with water supply system or any sanitation services

20. (1) No person may –

- (a) operate or maintain any part of the water supply system;
- (b) operate any sewage disposal system;
- (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
- (d) render any other sanitation services,

unless in any such case he or she has been authorised to do so by the Council in writing.

(2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

Obstruction of access to water supply system or any sanitation service

21. No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee of the Council.

CHAPTER 2**WATER SUPPLY SERVICES****Provision of connection pipe**

22. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must make application on the prescribed form and pay the prescribed fees for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1 and Service Level 2.
- (2) If application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension, modification or upgrade, if the owner pays for the cost thereof, as determined by the Council.

Location of connection pipe

23. (1) A connection pipe provided and installed by the Council must-
- (a) be located in a position determined by the Council after consultation with the owner referred to in section 22(1), and be of a suitable size as determined by the Council; and
 - (b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.

- (2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe must terminate at the boundary of the land owned by the Council, or vested in it.
- (3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- (4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

Provision of single water connection for supply to several consumers on same premises

24. (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Council may, in its discretion, provide and install either -
 - (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - (b) a separate measuring device for each such unit or consumer or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be -
 - (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers-
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of subsection (1), the Council may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

- (5) Where the provision of more than one connection pipe is authorised by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- (6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

Interconnection between premises or water installations

25. An owner of premises must ensure that no interconnection exists between –

- (a) the water installation on his or her premises and the water installation on any other premises; or
- (b) where several dwelling or business units are situated on the same premises, the water installations of such units,

unless he or she has obtained the prior written consent of the Council and complies with any conditions that may have been imposed.

Disconnection of water installation from connection pipe

26. The Council may disconnect a water installation from the connection pipe and remove the connection pipe if -

- (a) the agreement for supply has been terminated in terms of section 10 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

Water supplied from a hydrant

- 27. (1) The Council may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- (2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) must apply therefor.
- (3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

Quantity, quality and pressure

28. Water supply services provided by the Council must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

General conditions of supply

29. (1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system -

- (a) an uninterrupted supply;
- (b) a specific pressure or rate of flow in such supply; or
- (c) a specific standard of quality of water:

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Council must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- (3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she must make provision in the water installation for such maintenance.
- (4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and must inform the first mentioned consumer of such restrictions.
- (6) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason
- (7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- (8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- (9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

Measuring of quantity of water supplied

30. (1) The Council must measure the quantity of water supplied at such regular intervals as the Council may determine, but which must not exceed 180 days.
- (2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, must be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- (3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- (4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- (5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner must –
- (a) provide a place satisfactory to the Council in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;
 - (f) not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- (6) No person other than an authorised official of the Council may –
- (a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - (b) break a seal which the Council has placed on any meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fees for the installation of the replacement meter.

- (8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit: Provided that where a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.
- (9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

Quantity of water supplied to consumer

31. (1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that, other than in the case of prepayment meters -
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period; and
 - (c) the entries in the records of the Council were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- (3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.
- (4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer must be based on -
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified, and/or
 - (b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- (5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.

- (6) The Council must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- (7) If a contravention of section 30(6) occurs, the consumer must pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- (8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- (9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.
- (10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- (11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- (12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- (13) Failure by the Council to comply with the period of 180 days referred to in subsections (4)(a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

Prepayment Metering

- 31.A (1) Prepayment metering systems shall comply with the requirements of SABS Code 1529 Part 9- 2002
- (2) The conditions set out in sections 30, 31, 32, 33, 34 and 35 in respect of conventional meters must apply in respect of prepayment meters unless otherwise provided for in these By-laws.

Defective measurement

32. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her or installed by the Council, is defective, he or she may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- (2) The consumer referred to in subsection (1) must lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.
- (3) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (4) The consumer referred to in subsection (2), must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such test being undertaken.
- (5) If the outcome of any test shows that a measuring device is -
- (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding; or
 - (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (6) Any deposit lodged by a consumer for the testing of a measuring device -
- (a) may be retained by the Council if the measuring device is found not to be defective; or
 - (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer;
- (7) If the measuring device is -
- (a) a meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 1, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
 - (b) a meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS Code 1529 Part 4-1998 if it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification.
 - (c) a prepayment water measuring system, this shall be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 9 - 2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.

- (8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council must-
- (a) repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 30(6) has been contravened;
 - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 35.
- (9) A consumer is entitled, on giving the Council reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- (10) Any meter removed for testing by the Council must be retained intact and be available for inspection for a period of three months after testing.

Special measurement

33. (1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal must be carried out at the expense of the Council.
- (3) The provisions of section 32 apply in respect of a measuring device installed in terms of subsection (1).

No reduction of amount payable for water wasted

34. A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

35. (1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over-
- (a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
 - (b) the period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
 - (c) the period between three successive measurements prior to the measuring device becoming defective.
- (2) (a) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity; and

- (b) the consumer must be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

Approval of installation work

36. (1) If an owner wishes to have installation work done, he or she must first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code O400 or in terms of any by-laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
 - (3) Application for the permission referred to in subsection (1) must be made on the prescribed form and must be accompanied by -
 - (a) the prescribed fees, if applicable;
 - (b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code O252 : Part I; or
 - (c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code O252 : Part I or, has been designed on a rational basis.
 - (4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
 - (5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
 - (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
 - (7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 4, issue a compliance notice requiring the owner of the premises concerned -
 - (a) to comply with the relevant subsection, within a specified period;
 - (b) if the work is still in progress, to cease the work; and
 - (c) to remove all such work as does not comply with these By-laws.

Persons permitted to do installation and other work

37. (1) No person who is not a qualified plumber may be permitted to –
- (a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation
- (2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

Provision and maintenance of water installation

38. (1) An owner must provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of these By-laws, must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

Technical requirements for a water installation

39. (1) Notwithstanding the requirement that a certificate be issued in terms of section 36(3)(c), all water installations must comply with SABS Code 0252 Part 1 and all fixed electrical storage water heaters must comply with SABS Code 0254.
- (2) In addition to any requirement of SABS Code 0252 Part 1, the consumer must, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

Use of pipes and water fittings to be authorised

40. (1) No person may, without the prior written permission of the Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.

- (2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), must be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- (3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.
- (4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or water fitting may be removed from the schedule if it -
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule referred to in subsection (1) must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed fees .

Unlawful water installation work

41. Where any installation work has been constructed in contravention of the provisions of these By-laws, the owner must on receiving a compliance notice by the Council carry out such alterations to the installation as prescribed in the notice.

Labeling of terminal water fittings and appliances

42. A terminal water fitting and appliance using or discharging water must be marked, or have included within the packaging of the item, the following information:
 - (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - (b) the flow rates, in litres per minute, related to the design pressure range, including at least the following water pressures -
 - (i) 20 kPa;
 - (ii) 100 kPa; and
 - (iii) 400 kPa.

Owner to prevent pollution of water

43. An owner must provide and maintain effective measures to prevent the entry of any substance or matter, which may be a danger to health or may adversely affect the potability of water or affect its fitness for use, in -

- (a) the water supply system or plant; and
- (b) any part of the water installation on his or her premises.

Protection of water supply system

43A.(1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-

- (a) a fire or combined installation on premises; and
 - (b) a general installation serving the following activities-
 - (i) medical treatment of people or animals;
 - (ii) medical, pharmaceutical or chemical research and manufacturing;
 - (iii) agriculture, including dairies and nurseries;
 - (iv) photographic processing;
 - (v) laundering and dry-cleaning;
 - (vi) metal plating;
 - (vii) treatment of skins and hides; and
 - (c) a general installation serving-
 - (i) mortuaries;
 - (ii) abattoirs;
 - (iii) sewage purification works;
 - (iv) refuse processing plants;
 - (v) oil processing and storage facilities;
 - (vi) wineries, distillers, breweries, yeast and cold drink factories;
 - (vii) sports facilities; or
 - (viii) any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
 - (d) a general installation on any premises after a compliance notice by the Council to do so.
- (2) The measures required in terms of subsection (1) are-
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
 - (b) the passing of water through-
 - (i) a reduced pressure backflow preventer; or
 - (ii) a double check backflow preventer; or

- (c) any other measures approved by the Council which achieve the same purpose.

Design and installation of backflow preventer

- 43B. A backflow preventer contemplated in section 43A must be designed and installed in accordance with the requirements of SABS Code 0252 Part 1.

Inspection and servicing of backflow preventer

- 43C. (1) The owner of premises on which a reduced pressure or double check backflow preventer is installed must, at his own expense, cause the backflow preventer to be-
- (a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and
 - (b) replaced or completely overhauled once in every 5 years.
- (2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded:
- (a) the name and address of the contractor who carried out the servicing;
 - (b) the date on which the work was done; and
 - (c) the details of the repairs or replacements that were effected;
- (3) The record of inspections shall be kept available for inspection by the Council.

Protection of water installations

- 43D. (1) The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of-
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
 - (b) a fire hose reel in a combined installation;
 - (c) an underground irrigation system; or
 - (d) any other fitting which may provide contact between polluted water and the water installation.

Water restrictions

44. (1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 83A of the Local Government Ordinance, No. 17 of 1939.
- (2) Whenever it acts in terms of subsection (1), the Council must cause a notice of the resolution taken in terms of section 83A(1) of the Local Government Ordinance, 1939, to be published in one or more local newspapers, in two of the official languages.

- (3) Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 83A of the Local Government Ordinance, 1939, without taking the resolution contemplated in that section.

Waste of water unlawful

45. (1) No consumer may permit -
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings forming part of a water installation to leak;
 - (c) the use of maladjusted or defective water fittings in a water installation;
 - (d) an overflow of water from a water installation to persist; or
 - (e) a wasteful use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an event referred to in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection therewith.
- (4) Every consumer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

Prohibition of use of certain equipment in a water installation

46. A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment must not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

Sampling of water

47. (1) The Council may take samples of water obtained from a source other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in section 50(2).
- (2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) must be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

Testing of pressure in water supply system

48. The Council must, on application by an owner and on payment of the prescribed fees, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises, over such period as the owner may request.

Pipe in street or public place

49. No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council, and subject to such conditions as may be imposed by it on granting permission.

Use of water from source other than the water supply system

50. (1) Except with the prior permission of the Council, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, and in accordance with such conditions as the Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- (2) Any person requiring the permission referred to in subsection (1) must, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements of SABS Code 241:1999 (Fourth Edition): Drinking Water, and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- (3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council -
- (a) a condition imposed in terms of that subsection is breached; or
- (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the sewage disposal system, the Council must install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (5) The provisions of section 30 must apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

Special provisions for fire services

51. (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 51 to 61 inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

Payment for fire services

52. The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Dual and combined installations

53. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services -
- (a) If, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
 - (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
 - (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Council, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
 - (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

Connection pipes for fire extinguishing services

54. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.
- (2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- (3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

Valves in connection pipe

55. Every connection pipe must be fitted with a proper gate valve, which must be -
- (a) supplied by the Council at the expense of the consumer;
 - (b) installed between the consumer's property and the main;
 - (c) of the same diameter as the connection pipe; and
 - (d) installed in such position as may be specified by the Council.

Inspection and approval of fire extinguishing installation

56. No water may be supplied to any fire extinguishing installation until -
- (a) it has been inspected and tested by the Council;
 - (b) the Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
 - (c) the fees determined by the Council for such inspection and testing have been paid.

Connection to be at the pleasure of the Council

57. (1) The Council, is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections, 54(3) or 54(4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing connection pipe

58. The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

Sprinkler extinguishing installation

59. A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

Header tank or double supply from main

60. (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Council's main.

- (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

Sealing of private fire hydrants

61. (1) (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
- (b) Every owner or consumer must give the Council at least 48hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- (2) The cost of resealing a hydrant and hose-reel referred to in subsection (1)(a), must be borne by the consumer except when such seal is broken by the Council 's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a fire, must be paid for by the consumer at the fees determined by the Council for domestic purposes.
- (4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Council.

CHAPTER 3

SANITATION SERVICES

Objectionable discharge to sewage disposal system

62. (1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
 - (a) which may be offensive to, or may cause a nuisance to the public;
 - (b) which is in the form of steam or vapour or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
 - (c) which has a pH value less than 4.0;
 - (d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (e) which contains any substance having an open flashpoint of less than 93 degrees Celsius or which gives off a poisonous vapour at a temperature below 93 degrees Celsius;

- (f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
 - (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
 - (i) which contains any substance listed in Schedule D –
 - (i) in amounts higher than those specified therein;
 - (ii) which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - (iii) which may prejudice the use of sewage effluent for re-use; or
 - (iv) which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;
 - (j) which contains any substance of whatsoever nature which–
 - (i) which is not amenable to treatment at the sewage treatment plant, or
 - (ii) causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (iii) is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
 - (k) whether listed in Schedule D of these By-laws or not, either alone or in combination with other matter may –
 - (i) generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or
 - (ii) adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
 - (iii) adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.
- (2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter –
- (a) any storm water drain, storm water sewer or excavated or constructed water course;
 - (b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - (c) any street or premises.

- (3) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
- (4) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention must as soon as possible notify the Council of the details of the contravention and the reason for it.

Disposal of sludge, compost and manure

63. (1) Except when prohibited by any law, the Council may sell or dispose of sewage sludge, compost or animal manure resulting from the operation of any sewage treatment plant operated by the Council or sewage farm associated therewith, on such conditions regarding the loading and conveyance thereof, the place to which it is conveyed and the manner in which it is to be used, applied or processed, as the Council may impose or as may be required in terms of any law.
- (2) Except in the case of long-term contracts entered into for the purpose of the removal thereof, such sludge, compost or manure must be sold or disposed of at a price determined from time to time by the Council.

Application for infrastructure

64. (1) If an agreement for on-site sanitation and associated services in accordance with section 4 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and -
 - (a) pay the prescribed fees for the installation of the necessary infrastructure; or
 - (b) with the approval of the Council install on-site sanitation services in accordance with the specifications of the Council.
- (2) In approving an application for the installation of infrastructure, the Council may specify the type of on-site sanitation services to be installed.

Septic tank and treatment plant

65. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Council.
- (2) The permission referred to in subsection (1) is subject to the provisions of these By-laws, any other relevant by-laws of the Council, or any other law.

French drain

66. The Council may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a french drain, soakage pit or other approved work.

Conservancy tank

67. The Council may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

Ventilated improved pit latrine

68. The Council may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of water table, any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Council.

Services associated with on-site sanitation services

69. The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Council in accordance with a removal and collection schedule determined from time to time by the Council.

Fees in respect of services associated with on-site sanitation services

70. (1) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule A of these By-laws.
- (2) Regular night soil, conservancy tank and pit content removal services rendered in terms of these By-laws, will be discontinued on receipt by the Council of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.
- (3) The fees for the services contemplated in subsection (1) will continue to be payable until the Council has received such notice and until the notice has expired;
- (4) Where notice to discontinue the service referred to in subsection (1) is received by the Council after the date when the services were to have been discontinued, the fee must cease as from the date and time of receipt of the written notice.

Disused conservancy and septic tanks

71. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated;
- (2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

Provision of a connecting sewer

72. (1) If an agreement for the use of a sewage disposal system in accordance with section 4 has been concluded, the Council may, subject to the provisions of subsection (2) and as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewage disposal system, at the Council's own expense, connect the drainage installation to the sewage disposal system.
- (2) Any connection required by the owner subsequent to the initial connection provided by the Council is subject to the approval of the Council and must be installed at the owner's expense.
- (3) The discharge of any substance whatsoever other than clean water for testing purposes may not be permitted to enter any drainage installation until the drainage installation has been connected to the sewage disposal system.
- (4) If an application is made for the connection of the sewage disposal system to premises which are so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

73. (1) A connecting sewer provided and installed by the Council in terms of section 72 shall be located in a position either agreed to between the owner and the Council, or if no agreement can be reached, determined by the Council, and be of a size determined by an authorised official.
- (2) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises.
- (3) The applicant contemplated in subsection (2) is responsible for any extension of the drainage installation to the connecting point so agreed, and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

Interconnection between premises

74. Every owner of premises must ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such permission.

Disconnection of drainage installation from connecting sewer

75. The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the fees determined by the Council, if –
- (a) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or
 - (b) the building on the premises concerned has been demolished.

Acceptance of sewage delivered by road haulage

76. The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the any sewage treatment plant by road haulage.

Written permission for delivery of sewage by road haulage

77. (1) No person may discharge sewage into any Council sewage treatment plant by road haulage except with the written permission of the Council, and subject to such terms and conditions as may be imposed in terms of the written permission.
- (2) The fees for any sewage delivered for disposal to a Council sewage treatment plant must be assessed by the Council in accordance with the prescribed fees applicable.

Conditions for delivery of sewage by road haulage

78. When sewage is delivered by road haulage -
- (a) the time of delivery must be arranged with the Council;
 - (b) the nature and composition of the sewage must be established to the satisfaction of the Council prior to the discharge thereof from the container in which it is delivered, and no person may deliver sewage that does not comply with the standards laid down in or in terms of these By-laws; and
 - (c) all other requirements in terms of SABS Codes 0231 and 0232 and any other applicable law must be complied with.

Withdrawal of permission for delivery of sewage by road haulage

79. (1) The Council may subject to the provisions of the Promotion of Administrative Justice Act, 2000, withdraw any permission, after giving at least 14 days written notice of its intention to do so, to any person who has been granted permission to discharge sewage by road haulage if that person -

- (a) fails on more than two occasions to ensure that the sewage so delivered conforms to the standards prescribed in section 62 and Schedule D, which ever is applicable, or in the written permission referred to in section 77(1);
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws, or contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any permission granted to him or her; and
- (c) fails to pay the assessed fees in respect of any sewage delivered within the period allowed for payment.

Application for disposal of industrial effluent

80. (1) Every person desiring to dispose of industrial effluent must apply in writing and in duplicate on the form prescribed in Schedule C for that purpose, for written permission to discharge industrial effluent into the sewage disposal system of the Council, and must thereafter provide such additional information and submit such sample as the Council may require.
- (2) The Council may, if in its opinion the capacity of the relevant sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of such industrial effluent for such period and subject to such conditions it may determine and impose, grant an application made in terms of subsection (1).
 - (3) The provisions of Chapter 1 will apply, insofar as they are applicable and subject to such adjustments as may be necessary, to any permission granted in terms of subsection (2).
 - (4) Any person to whom permission has been granted in terms of subsection (2) must, before doing or causing or permitting to be done anything that results in a change in the quantity of discharge or nature of effluent permitted, notify the Council in writing of the date on which it is proposed that such change is intended to take place and of the nature of the proposed change.
 - (5) Upon receipt of the notification referred to in subsection (4), the Council may grant permission for such change, and in so doing may amend the conditions applicable to the discharge permit of the party concerned, or it may refuse permission for the change.
 - (6) Any person who wishes to construct or cause to be constructed a building which is to be used as trade premises must, at the time of lodging his or her building plan in terms of section 4 of the National Building Regulations and Building Standards Act 1977, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (1).

- (7) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may from time to time or at any time as a result of a change in the method of sewage treatment, or the introduction of new or revised or stricter or other standards by the Council, or in terms of the National Water Act, or as a result of any amendment to these By-laws or for any other reason, review, amend, modify or revoke any permission given or any conditions attached to such permission, and / or impose new conditions, either generally or specifically, for the acceptance of any industrial effluent into the sewer, or prohibit the discharge of any or all of such effluent to the sewer, on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice, the previous permission or conditions, as the case may be, must be regarded as having fallen away and the new or amended conditions, if any, as the case may be, forthwith apply.

Unauthorised discharge of industrial effluent

81. (1) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of section 80(2), shall be guilty of an offence and liable, in addition to the penalties provided for in section 119(3), to pay such fees as the Council may assess for the conveyance and treatment of effluent so discharged and for any damage or loss, whether pecuniary or otherwise, caused as a result of such unauthorised discharge.
- (2) Apart from the powers and rights of the Council in terms of subsection (1) and section 84, the Council shall be entitled to recover from any person who discharges to a drain or sewer, any industrial effluent or any substance which is prohibited or restricted in terms of section 62 read with Schedule D, or who has been the subject of any action taken by the Council in terms of section 84(2), all loss, damages, costs, expenses and fees incurred by the Council as a result of any or all of the following:
- (a) the death of or injury to any person, or damage to, or blockage or breakdown whether partial or complete, or contamination by, fats, oil or grease of -
- (i) the sewer;
 - (ii) any sewage treatment plant ;
 - (iii) any mechanical appliance; and
 - (iv) any other property whatsoever whether or not under the control of the Council; and
- (b) any costs, including fines and damages, which may be incurred by or awarded against the Council, or any expense incurred by the Council as a result of a prosecution in terms of the National Water Act or any other law, or any action against it, consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance, caused directly or indirectly by the said discharge.
- (3) Any person who discharges or causes or permits to be discharged any industrial effluent in any manner whatsoever that is not authorised in terms of these By-laws is guilty of an offence.

Quality standards for disposal of industrial effluent

82. (1) A person to whom permission has been granted in terms of section 80 must ensure that no industrial effluent is discharged into the sewage disposal system of the Council, unless it complies with the standards and criteria set out in section 62, read with Schedule D.
- (2) (a) The Council may by endorsement on the permission concerned, relax or vary the standards and criteria referred to in subsection (1), if the Council is satisfied that any such relaxation represents the best practicable environmental option.
- (b) In determining whether relaxing or varying the standards and criteria referred to in subsection (1) represents the best practicable environmental option, the Council must consider -
- (i) whether the applicant's undertaking is operated and maintained at optimal levels;
 - (ii) whether technology used by the applicant represents the best available option for the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (iii) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the Council;
 - (iv) the cost to the Council of granting the relaxation or variation; and
 - (v) the environmental impact or potential impact of such a relaxation or variation.
- (3) Test samples may be taken at any time by a sampler to ascertain whether any industrial effluent complies with the standards and criteria mentioned in subsection (1) or any other standard laid down in a written permission issued in terms of subsection (2).

Conditions for disposal of industrial effluent

83. (1) A designated officer may subject to the provisions of Chapter 4, issue a compliance notice requiring the person in charge of any enterprise that generates industrial effluent to-
- (a) subject the industrial effluent to such preliminary treatment as will ensure that it conforms to the standards and criteria prescribed in section 82 before being discharged into the sewage disposal system;
 - (b) install such equalising tank, valve, pump, appliance, meter and control system and other equipment as in the opinion of the designated officer will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the requirements of section 82;
 - (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewage disposal system through a separate connection as directed by the designated officer, and such notice may prohibit the discharge of the effluent through any drainage installation intended or used for the conveyance of wastewater and standard domestic effluent, or prohibit the discharge of any wastewater and standard domestic effluent through the separate drainage installation for industrial effluent;

- (d) construct on any pipe conveying industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the designated officer may prescribe;
 - (e) provide all such information as may be required by the designated officer to enable the Council to assess the prescribed fee due to the Council;
 - (f) provide adequate facilities such as a level or overflow detection device, standby equipment, overflow catch-pit, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these By-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority accepted by the Council, at the cost of that person at such intervals as are stated in the notice, and to forward a copy of the calibration certificate to the Council;
 - (h) cause the industrial effluent to be sampled and analysed as often and in such manner as may be prescribed by the designated officer and provide the Council with the results of these tests when completed; and
 - (i) manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the general strength and composition of the industrial effluent.
- (2) The cost of any treatment, plant, work or analysis which the person discharging industrial effluent may be required to carry out, construct or install in terms of subsection (1) must be borne by the person discharging the industrial effluent.
- (3) In the event that any industrial effluent that does not comply with the standards prescribed or permitted in terms of section 82 is discharged into the sewage disposal system, the Council must be informed by the owner or occupier of the premises of the incident and the reasons therefor within twelve hours of such discharge.

Withdrawal of written permission for disposal of industrial effluent

84. (1) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may withdraw any permission, after giving at least 14 days' written notice of its intention to a person permitted to discharge industrial effluent into the sewage disposal system, if that person or any employee, contractor or consultant of that person -
- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed or permitted in terms of section 82; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted.
 - (c) fails to pay the assessed fees in respect of any industrial effluent discharged into the sewage disposal system.

- (2) Subject to the provisions of Chapter 4, the Council may, on withdrawal of any written permission and after notifying the owner and occupier of its intention to do so -
 - (a) in addition to any other steps prescribed in these By-laws, authorise the closing and sealing of the connecting sewer of the said premises conveying such effluent to the sewer;
 - (b) refuse to accept any industrial effluent from that source until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged will conform with the standards prescribed in these By-laws; and
 - (c) close off the water supply to the industrial process.
- (3) No person may, without the written permission of the Council, open or break the seal of a drain closed and sealed off in terms of subsection (2) or cause or permit this to be done.
- (4) In the event of the Council acting in terms of subsection (2), the owner or occupier of the premises must furnish written proof to the authorised official that the industrial effluent emanating from the premises will be discharged to an alternative disposal site approved by the authorised official.

Measurement of quantity of standard domestic effluent discharged

85. (1) The quantity of standard domestic effluent discharged must be determined as a percentage of the water supplied to those premises by the Council;
- (2) If the Council is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
 - (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows -
 - (a) 1,0 kilolitre per full-time staff member per working month;
 - (b) 4,0 kilolitre per resident per working month, not included in paragraph (a); and
 - (c) for staff canteens: 0,15 kl per meal prepared per working month;

for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.

- (4) Where premises are lawfully supplied with water from a source other than or in addition to the Council 's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Council, taking into account any representations which may be made by the consumer.

Measurement of quantity of industrial effluent discharged

86. (1) The Council may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the quantity or composition of the industrial effluent.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Council may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) The Council is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (5) Notwithstanding the foregoing provisions of this section, the Council may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Council may deem necessary to record the water consumption in a specific part of the premises.
- (6) The Council may determine a rebate to apply to the fees determined in accordance with Schedule A if the owner or occupier discharges industrial effluent –
- (a) solely during periods specified by the Council; and /or
- (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (7) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Council may, on application, reduce the assessed quantity of industrial effluent.
- (8) Upon payment of the prescribed fee determined by the Council for the installation of any meter, the Council must install on any premises, a separate meter to record the consumption of water –
- (a) obtained from any source other than the Council 's water supply, or
- (b) which, after use, will not reach a drainage installation.

Reduction in the quantity determined in terms of sections 85 and 86

87. (1) A consumer is entitled to a reduction in the quantity determined in terms of sections 85 and 86 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted, or a leakage on the water installation was undetected, if the consumer satisfies the Council that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity referred to in subsection (1) must be based on the assessed quantity of water loss through leakage or wastage during the leak period.

- (3) The leak period is either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity of water supplied.
- (4) The quantity of water lost will be calculated as the consumption for the leak period less an average consumption, based on the three months after the repair of the leak, for the same length of time as the leak period.
- (5) If no previous consumption history is available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
- (6) There will be no reduction in the quantity determined in terms of sections 85 and 86 if the loss of water resulted directly or indirectly from the consumer's failure to comply with, or as a result of a contravention of these By-laws.

Construction or installation of drainage installation

88. Any drainage installation must comply with *SABS Code 0400-1990 Part P, Drainage* and any amendments thereto.

Use of pipe and fitting in drainage installation to be authorised

89. (1) No person may, without the prior written permission of the Council install or use a pipe or fitting in a drainage installation within the Council's area of jurisdiction, unless it is of a type included in the schedule referred to in section 40(1).
- (2) Application for the inclusion of a type of pipe or fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed fees .
- (3) A type of pipe or fitting may be included in the schedule referred to in subsection (1) if -
- (a) it bears the standardisation mark of the SABS in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the type of pipe or fitting complies with an SABS mark specification or a provisional specification issued by the SABS, provided that no certification marks are valid for this purpose beyond a period exceeding two years from the date of issue.
- (4) The Council may, in respect of any type of pipe or fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A type of pipe or fitting may be removed from the schedule referred to in subsection (1) if it -
- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.

- (6) (a) The current schedule must be available for inspection at the office of the Council at any time during working hours; and
- (b) the Council may sell copies of the current schedule at the fees prescribed from time to time.

Approval of drainage work

90. (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Council in writing.
- (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.
- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Council.

Unlawful drainage work

91. (1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner must subject to the provisions of Chapter 4, on receiving a compliance notice from a designated officer, so to do, comply with the said provisions within the period prescribed in that notice.
- (2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner must, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.
- (3) The Council must, subject to the provisions of Chapter 4, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

Ingress of stormwater into drainage installation prohibited

92. (1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R2 378 of 12 October 1990, as amended, to enter the drainage installation.

- (2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- (4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 95 and Chapter 4, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Council.

Emission of gas

93. When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense, to take such action as may be necessary to prevent such nuisance.

Industrial grease traps

94. (1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 degrees Celsius, must be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- (3) The tank or chamber must be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber must maintain a register in which shall be recorded-
- (a) the dates on which the tank or chamber was cleaned;
 - (b) the name, address, and telephone number of the company employed to clean the tank or chamber; and
 - (c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

Mechanical appliances for lifting sewage

95. (1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation, the Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.

- (2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner must apply in writing to the Council for permission to do so in the form set out in Schedule B to these By-laws and must thereafter furnish such additional information as the Council may require.
- (3) The form prescribed in subsection (2) must be completed by a professional engineer, and the undertaking annexed to such form must be signed by the owner of the premises, and must be accompanied by drawings of the proposed installation.
- (4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, must be as prescribed by the Council who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.

Drain in street or public place

96. No person may, for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or the land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council and subject to such conditions as it may impose.

Construction by Council of drainage work

97. The Council may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

Maintenance of drainage installation

98. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed fees determined by the Council.
- (3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- (4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.

- (5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.
- (6) The Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof, and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

Installation of pre-treatment facility

99. The Council may require that any premises which require connection to a sewage disposal system for the first time, must be provided with a minimum pre-treatment facility of a type specified by it prior to those premises being connected to the sewage disposal system.

Protection from ingress of floodwater

100. Where premises constructed within, or any portion of a property lie within the 1 in 50 years flood plain, the top level of any manhole, inspection chamber and gully located below the level of such flood plain must be above the 1 in 50 years flood level, except in the case of a manhole and inspection chamber the cover of which is secured in place by approved means.

CHAPTER 4

ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

Authorisation of designated officer

101. A service provider as contemplated in the definition of Council and in section 76 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorize any person in its employ to be a designated officer.

Functions of designated officer

102. (1) A designated officer may execute work, conduct an inspection and monitor and enforce compliance with these By-laws.
- (2) Subject to the provisions of any other law, a designated officer must carry out the functions contemplated in this section and the powers set out in section 103, in accordance with the procedure outlined in sections 104 and 105.

Powers of designated officer

103. (1) A designated officer who executes work or conducts an inspection may –
- (a) execute work on or inspect premises;
 - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - (c) question a person whom the designated officer believes may have information relevant to the work or inspection;
 - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - (f) take samples of any substance that is relevant to the work or inspection;
 - (g) monitor and take readings or make measurements;
 - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
 - (i) do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these By-laws.
- (2) A designated officer who removes anything other than a substance contemplated in subsection (1)(f) from premises being worked upon or inspected, must –
- (a) issue a receipt for it to the owner or a person in control of the premises; and
 - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

Procedure to execute work or conduct an inspection: entry with a written authorization

104. (1) A designated officer may subject to section 101 of the Systems Act, enter any premises if a justice of the peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963), has issued a written authorization to enter and execute work or inspect the premises, and the written authorization is still valid.
- (2) A justice of the peace may issue a written authorization to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe
- (a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
 - (b) that there is non-compliance with any provision of these By-laws in respect of the premises; or
 - (c) that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of the peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable a designated officer to –

- (a) determine whether or not there has been a contravention of the By-laws on such premises;
 - (b) restore access to the water supply system or any sanitation service where the owner or such person has restricted such access; and
 - (c) properly and effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of the By-laws has taken place, the expenses incurred in performing the work and restoring the premises to their former condition, shall be paid by the Council.
- (5) A written authorization in terms of subsection (2) may be issued at any time and must specifically –
- (a) identify the premises that may be entered and worked on or inspected ; and
 - (b) authorize the designated officer to enter and execute work or inspect the premises and to do anything listed in section 103(1);
- (6) A written authorization issued in terms of subsection (2) is valid until one of the following events occur :
- (a) It is carried out;
 - (b) it is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
 - (c) the purpose for which it was issued has lapsed; or
 - (d) three months have passed since the date of issue.
- (7) A written authorization issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of the peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, a designated officer who carries out a written authorization must either –
- (a) if the owner of or a person apparently in control of the premises is present –
 - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
 - (ii) hand a copy of the written authorization to that person;
 - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorization to the premises in a prominent and visible place.

Procedure to execute work or conduct an inspection : entry without a written authorization

105. (1) A designated officer who does not have a written authorization may subject to section 101 of the Systems Act, enter and execute work or inspect -
- (a) any premises, with the consent of the owner or person apparently in control of the premises; or
 - (b) any premise, except residential premises, on a routine basis -
 - (i) no more frequently than six times during a twelve month period; or
 - (ii) more frequently if permitted by these By-laws for the purposes of any work or inspection
 - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -
 - (i) disrupt or adversely affect the provision of water and sanitation services;
 - (ii) result in excessive wastage or pollution of water; or
 - (iii) have significant detrimental effects on public or private health and safety;
 - (d) any premises from which there is a discharge or a suspected discharge, into any sewer of any stormwater, sewage, industrial effluent, or other liquid or substance contemplated in section 62(1);
 - (e) any premises on which a nuisance is caused by, related to, or emanates from a drainage installation; and
 - (f) any premises on which a contravention of section 20 exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Council, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of subsection (1), a designated officer may enter any premises without a written authorization in respect of which there is an outstanding compliance notice, issued in terms of section 111 for the purpose of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this section, a designated officer must identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorization must be carried out at a reasonable time in the circumstances.

Observing fundamental rights

106. A designated officer who enters and executes work or inspects any premises in terms of this Chapter must do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

Using force to enter

107. (1) A designated officer carrying out a written authorization in terms of section 104 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- (2) Before resorting to force, the person carrying out the written authorization must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- (3) The Council must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to effect an entry to execute work or conduct an inspection in terms of section 105, unless an emergency arises.

Designated officer may be accompanied

108. During the execution of any work or an inspection, a designated officer may be accompanied by either a member of the South African Police Services or a member of the Johannesburg Metropolitan Police Department established under Provincial Notice No. 1893 of 2001, issued in terms of Section 64A(4) of the South African Police Service Act, 1995 (Act No. 68 of 1995), and by any other person reasonably required to assist in executing the work or conducting the inspection.

Duty to produce document

109. Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of a designated officer.

Duty to answer question and assist designated officer

110. (1) Any person who is questioned by a designated officer in terms of this Chapter must answer truthfully and to the best of his or her ability;
- (2) An answer or explanation given to a designated officer may not be used or admitted in criminal proceedings against the person who provides it, except in proceedings against that person on a charge relating to –

- (a) the administration or taking of an oath;
 - (b) the making a false statement; or
 - (c) the failure to answer a lawful question fully and satisfactorily.
- (3) An owner or occupier of any premises must provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

Compliance notice

111. (1) A designated officer who becomes aware that any provision of these By-laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out –
- (a) the provision that has not been complied with;
 - (b) details of the nature and extent of non-compliance;
 - (c) any steps that are required to be taken and the period with which those steps must be taken; and
 - (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

Complaints against persons other than the Council or service provider

112. Any one may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person –
- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
 - (b) is likely to act or has acted contrary to any provisions of these By-laws; in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

Official address

113. (1) For the purpose of the service of any notice, order or other document relating to legal proceedings –
- (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address, of such owner; and
 - (b) the address of the consumer, as referred to in section 4(5)(e) is deemed to be the official address, of the consumer.

- (2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

Recovery of costs and fees

114. Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

Legal compliance warranty

115. Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will –
- (a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
 - (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
 - (c) insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
 - (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

False statement or information

116. No person may make a false statement or furnish false information to the Council, an authorised official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

Exceptions to application of these By-laws

117. (1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorized work is in progress on such date, such work must comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Council, immediately prior to such date.
- (2) For a period of 90 days after the commencement of these By-laws, the Council may give authority for installation work to be done in accordance with any law mentioned in subsection (1).

- (3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws : Provided that if in the opinion of the Council, the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

Exemptions

118. (1) The Council may by resolution exempt any person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of these By-laws; or
 - (f) non-compliance with the Act or any regulations made in terms thereof.
- (2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

Offences

119. (1) It is an offence for any person to –
- (a) refuse to grant a designated officer access to premises to which that designated officer is duly authorized to have access;
 - (b) obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
 - (c) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
 - (d) give false or misleading information to a designated officer ;
 - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
 - (f) pretend to be a designated officer ;
 - (g) falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;

- (h) enter any premises without a written authorization in circumstances requiring such authorization;
 - (i) act contrary to a written authorization issued in terms of this Chapter;
 - (j) without authority –
 - (i) enter or inspect premises;
 - (ii) carry out any act mentioned in section 103(1);
 - (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except –
 - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law.
 - (l) contravene or fail to comply with any provisions of these By-laws;
 - (m) fail to comply with any notice issued in terms of these By-laws;
 - (n) fail to comply with any lawful instruction given in terms of these By-laws; or
 - (o) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws,
- (2) Any alleged offence contemplated in subsection (1), except in paragraph (i) thereof, must be referred to the Johannesburg Metropolitan Police Department referred to in section 108 for investigation with a view to possible prosecution of the offender.
- (3) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

Application of this Chapter

120. (1) The provisions of the Chapter apply to all persons or bodies, including the State.
- (2) A provision of this Chapter conferring a power or imposing a duty applies in respect of–
- (a) all premises;
 - (b) any person or thing on or in any premises;
 - (c) the owner or occupier of all premises; and
 - (d) any matter relating to premises, a person, or thing.
- (3) For the purposes of this Chapter, the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person

Repeal of By-laws

121. The by-laws listed in schedule E are hereby repealed.

Short title

122. These By-laws are called the Water Services By-laws, 2003.

SCHEDULE A**GENERAL RULES REGARDING FEES**

In this Schedule, unless the context otherwise indicates -

"half year" means the period of six months commencing on 1 January and 1 July in each year, as the case may be;

"quarter" means the period of three months commencing on 1 January, 1 April, 1 July and 1 October in each year, as the case may be;

"three monthly period" means the period of three months in the meter reading cycle ending on the date of the last meter reading preceding the end of the quarter.

PART 1**GENERAL RULES REGARDING FEES FOR THE USE OF THE
COUNCIL'S SEWERS AND SEWAGE PURIFICATION PLANT
IN ACCORDANCE WITH SECTION 6**

1. The fees determined by the Council accruing in respect of each -
 - (a) half-year, becomes due and payable in advance on 1 July and 1 January of each year: Provided that the fees payable in terms of section 6 in respect of industrial effluent is payable half-yearly in arrears;
 - (b) quarter, becomes due on the first day of such quarter and payable within six weeks after the first day of such quarter.
2. If any fees determined by the Council in respect of any type of premises is based on the number of inmates, patients, servants, students, staff or other persons resident or occupying such premises, the Council may require a certificate specifying the number of persons occupying or accommodated on such premises during any particular period to be furnished to it by the person in charge of such premises.
3. If any person who is required to furnish a return in terms of these By-laws, or this Schedule or to provide such other information as may be necessary to enable the Council to assess the amount payable in terms of a fee determined by the Council, fails to do so within 30 days after having been called upon to do so by notice in writing, he or she is liable to pay such fees as the Council may then assess on the best information available to it, subject to the Council's entitlement to levy any additional fees which may be applicable when further information becomes available.
4. In all cases of dispute as to the date from which a fee becomes applicable, the decision of the Council is final.

5. In the case of premises not connected to the municipal sewer the fees determined by the Council and contemplated in section 6 shall become payable with effect from the date on which the Council requires that a connection be made or with effect from the date when the premises are in fact connected, whichever is the earlier.
6. The fees determined by the Council for domestic sewage, industrial effluents, swimming pools, fountains and reservoirs, remain effective in the case of buildings wholly unoccupied or in the course of demolition until the date on which the Council is requested to seal the openings to the Council 's sewer.
7. If any change is made in the nature of the occupation or the use of any premises which requires the application of a different fee determined by the Council, no claim for any adjustment of an account rendered or any refund of monies paid in terms of these By-laws will be entertained by the Council unless notice in writing of the change is given to the Council within 30 days of the date of its occurrence.
8.
 - (a) The Council must designate the category of domestic sewage into which premises connected to the municipal sewer fall, for purposes of assessment of the amount payable in accordance with the fees determined by the Council; and
 - (b) for the purpose of the designation referred to in this rule the Council may require the owner or occupier of any premises to furnish it with information to its satisfaction reflecting the number of dwelling-units on the premises.
9.
 - (1) The fees determined by Council for premises other than those referred to in rule 2 shall be assessed in advance for each quarter, and shall be based on a quantity equal to the water consumption metered in terms of Chapter 2, sections 30 to 35 of these By-laws, for the meter reading cycle of three months preceding the last meter reading prior to the quarter in question Provided that:
 - (a) in the case of new premises or if the record of metered consumption on existing premises does not extend over the full meter reading cycle of three months or if, in the opinion of the Council , the record of metered consumption is not a suitable basis for the assessment of the fees by reason of a change in the occupation, use or ownership of premises, or special contingency, the fees for the coming quarter shall, subject to adjustment when the consumption of water for the three monthly period becomes available, be based on the Council estimate of the quantity of water to be consumed and discharged into the sewer on such premises during such coming three monthly period;
 - (b) in the case of premises where the water consumed is not used solely for domestic purposes and in the absence of any direct measurement, the quantity of water discharged during a quarter shall be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity deductions shall be made for the quantity lost during the process of trade or manufacture or present in the final product;
 - (c) if the quantity of water obtained from a source other than the Council 's water supply on the premises during that cycle is unknown, the fees shall be based on the Council estimate of the total water consumption on such premises during the aforesaid meter reading cycle.

- (d) Water consumption recorded by a meter installed in terms of -
- (i) section 86(8) shall be paid for on the basis of the fees determined by the Council for unspecified premises, or the fees determined by the Council for industrial effluent, if applicable, but not on the basis of both such fees;
 - (ii) section 86(8)(b) shall not be subject to any fee;
 - (iii) section 83(1)(c) shall not be subject to any fee for domestic effluent but subject to a fees for industrial effluent in terms of Part II, hereof.
- (2) If on any premises the Council, after consideration of its size, the number of water supply points and the complexity of the water reticulation, considers it impractical to determine the quantity of water discharged into the sewer from records of metered water consumption, it may in its discretion:
- (a) direct that water reticulation system be altered at the cost of the owner, to facilitate separate metering of water discharged into the sewer after use, and other water consumed, but not so discharged; or
 - (b) assess the quantity of water discharged into the sewer in any six monthly meter - reading period in accordance with the quantity of water used on the premises of a similar nature as determined by the Council.

PART II

GENERAL RULES REGARDING FEES FOR INDUSTRIAL EFFLUENT

The following rules are applicable for the purposes of sections 80, 81 and 83 in connection with the fees determined by the Council which are payable for the acceptance, conveyance and treatment of industrial effluent discharged from any premises;

1. The owner or occupier of premises on which any trade or industry is carried on and from which, as a result of such trade or industry or of any process incidental thereto, any effluent is discharged to the municipal sewer, shall, in addition to any other fees determined by the Council for which he or she may become liable, pay to the Council an industrial effluent fee including any minimum fee, which fees must be determined by the Council and must be calculated -
 - (a) on the quantity of water discharged during the half-year forming the period of the fee; and
 - (b) in accordance with the arithmetic mean of the results of the analyses, specified in item 3, of not less than eight grab samples of effluent taken at any time during a three month assessment period: Provided that the Council may in its discretion use another method of assessment if in its opinion it will lead to a fairer result.
2. Whenever a sample is taken by the Council in terms of rule 1, one half thereof shall, on the request of the owner, occupier or person in control of the premises, be made available to him or her and like provisions shall apply to any samples taken by the owner, occupier or person in control in favour of the Council.

3. The analyses referred to in rule 1 must be in accordance with the methods of chemical analysis normally used by the Council for the purpose and may include -

Chemical Oxygen Demand (COD)

Total Kjeldahl Nitrogen

Nitrate as N

Ammonia as N

Total phosphorus

Orthophosphate as P

pH

Substances listed in Schedule C (Rule 5.9) and D:

4. In the absence of any direct measurement, the quantity of industrial effluent discharged during a half-year must be assessed by the Council according to the quantity of water consumed on the premises during that period, and in the assessment of that quantity a deduction must be made of the quantity used on the premises for domestic purposes, and the quantity lost to the atmosphere during the process of trade or manufacture, or present in the final product.
5. Unless the Council, in any particular case, agrees otherwise in writing with an owner or occupier, the fees determined by the Council for industrial effluent will be levied in respect of half-years beginning 1 July and 1 January;

Provided that -

- (i) if the last monthly reading relating to a half yearly charging period is taken before the end of that period, the remaining part of the period will be deemed to belong for charging purposes to the next succeeding half-yearly charging period;
 - (ii) if the last monthly meter reading relating to the half-yearly charging period is taken after the end of that period, that part of the succeeding period which has elapsed when the reading is taken will be deemed to form part of the charging period to which the reading relates; and
 - (iii) if the discharge of effluent to the sewer begins during a half-year as aforesaid the charge made in respect of that half-year must be calculated as from the relevant date.
6. If a meter measuring the quantity of water consumed on premises is proved defective, an appropriate adjustment must be made to the quantity of industrial effluent discharged when calculated as provided by rule 4.
7. (1) If industrial effluent is discharged into the sewer from more points than one, whether on the same floor or on different floors of premises, the Council may in its discretion for all the purposes of assessing a fee for industrial effluent, including the taking of test samples, treat each such point of discharge as a separate point for the discharge of industrial effluent into the sewer.

- (2) For the purpose of calculating, as prescribed in rule 4, the quantity of effluent discharged from each point of discharge as aforesaid, the total water consumed on the premises must be allocated as accurately as is reasonably practicable, after consultation between the Council and the occupier, among the several points of discharge
8. If a grab sample taken at any time after the three month assessment period should reveal that the total pollutant load is altered in such a way as to place a heavier load on the Council 's sewage treatment plants, and the owner, occupier or person in control has failed to advise the Council in writing of the change, the owner or occupier will immediately become liable for twice the difference between the assessed fees and the fees that would have been levied had the total pollutant load been correctly assessed.
9. If an inspection should reveal that the owner or occupier or person in control has failed to discharge industrial effluent during periods specified by the Council in accordance with section 86(6), the owner or occupier will immediately become liable for the full amount of the industrial effluent fees .
10. (1) (a) The Council may, during any half yearly period referred to in rule 5, render a provisional account in respect of a part of such period, which part must as nearly as practically possible be a period of 30 days, and the amount of such account must be determined as provided in sub-rule (b) and the Council must as soon as possible after the end of such period render an account based on the actual measurements and results obtained in terms of rule 1(a) and (b) for such period, giving credit for any sum paid on a provisional account as aforesaid.
- (b) The amount of a provisional account referred to in sub-rule (a) must be determined by the Council by reference to such previous discharge on the same premises as would in its opinion, constitute a reasonable guide to the quantity of effluent discharged over the period covered by the provisional account by reference to such discharge on other similar premises which, in its opinion, affords reasonable guidance.
- (2) A provisional account rendered in terms of sub-rule (1) (a) is payable on the date stipulated therein.
- (3) An owner's decision to dispute an account shall not entitle him or her to defer payment beyond the due date stipulated in the account.

PART 3

GENERAL RULES REGARDING FEES FOR AN

ON-SITE SANITATION SERVICE

The following rules are applicable for the purposes of section 70 in connection with the fees determined by the Council which are payable for the provision of a sanitation service:

1. A commencement fee as determined by the Council will be payable in respect of the provision of sanitation services before the commencement of such services.
2. Night soil removal services may be provided on a tri-weekly, nightly or other basis at the discretion of the Council.
3. The fees for night soil removal must be based on the number of pails and, for a vacuum tank removal, on the quantity removed.
4. A tri-weekly night soil removal service may be provided to a *bona fide* builder during building operations.
5. A mobile convenience may be provided at the discretion of the Council.
6. A vacuum tank removal service may be provided at the discretion of the Council.
7. Any sanitation service provided by the Council may be subject to an escalating tariff of fees within six months of the introduction of a suitable waterborne system.

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SCHEDULE B**FORM OF APPLICATION FOR PERMISSION TO
INSTALL APPLIANCES FOR LIFTING SEWAGE**

NOTE: *On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the Council will consider applications for lifting sewage in compliance with the requirements of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977, and any other applicable law only in respect of those parts of premises which cannot be drained by gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.*

In all cases where lifting of sewage is permitted, the Council will stipulate the rate of discharge, which will be normally limited to a maximum of 240 litres per minute.

INFORMATION TO BE FURNISHED BY OWNER

The owner of the premises must furnish the following information and the relevant literature and characteristic curves, and sign the application and undertaking:

- (a) Make of appliance, name of supplier and purpose for which the appliance is designed;
- (b) kW rating and speed of motor;
- (c) Maximum rate of discharge in litres per minute
- (d) Size of rising main and velocity of discharge;
- (e) Capacity and dimensions of storage tank depth to be given as liquid depth below inlet drain;
- (f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information.

Any matters relating to the electric power connection and switchboard will be referred to the electricity supplier and will be subject to the approval of that supplier.

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SCHEDULE C

**FORM OF APPLICATION FOR PERMISSION
TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE COUNCIL'S SEWER**

1. GENERAL

1.1 I (Name) the undersigned, duly authorised to and on behalf of(hereinafter referred to as the applicant), hereby apply in terms of the provisions of the Water Services By-laws of the Council for permission to discharge industrial effluent into the municipal sewer on the basis of the information set out herein.

1.2 Company's present street address, etc,

Street Address ..

Postal Address

Contact Person

Designation .

Township Stand No(s)

Landlord Tel.....

1.3 Name or style under which the business or industry is carried on.

1.4 If the business or industry is carried on by a company, state the name of the secretary and if it is a partnership state the names of the partners and their position held in the company and tel. no.

1.5 Nature of the business or industry concerned.....

1.6 Description of industrial or trade process by which effluent is / will be produced.
.....

2. INFORMATION RELATING TO EMPLOYEES

Office/Factory

- 2.1 Total number of daily employees (not to include 2.3)
- 2.2 Number of days worked per week
- 2.3 Number of persons resident on the premises
- 2.4 Is a canteen provided? YES/NO
- If YES, number of meals served per month

3. INFORMATION RELATING TO WATER CONSUMPTION

- 3.1 Kilolitres / Month
- 3.2 Approximate quantity of water purchased from the Councilkl/m
(In case of an established business or industry attach copies of all latest assessment and water accounts.)
- 3.3 Approximate quantity of water extracted from borehole(s) and/or other sources.

(In terms of the Water Services By-laws a meter measuring the total quantity of water drawn from any natural source and used on the property must be installed.)

Source	kl/m	Meter No.
1.		
2.		
3.		
4.		
5.		

- 3.4 Approximate quantity of water entering with raw materials.

Raw Material	kl/m	Meter No.
1.		
2.		
3.		
4.		
5.		

NOTE: QUANTITIES MUST BE SUB-METERED WHERE POSSIBLE, OR CERTIFIED FROM PRODUCTION FIGURES

4. WATER LOST FROM MISCELLANEOUS CAUSES (kl/m)

- 4.1 Quantity of water in end product
- 4.2 Quantity of water used as cooling make-up
- 4.3 Quantity of water used as boiler make-up
- 4.4 Does boiler blowdown enter the sewer? Quantity
- 4.5 Specify other non-effluent uses, not domestic

In order to qualify for non-effluent deductions sub-meters must be installed wherever practicable. Certified quantities based on formal production records will also be considered. Such records must be available for inspection at all times.

5. EFFLUENT QUALITY

Information required concerning the chemical and physical characteristics of the effluent to be discharged.

- 5.1 Maximum temperature *of* effluent ° C
- 5.2 pH value
- 5.3 Electrical conductivity mS/m
- 5.4 Nature and amount of substances not in solution
- 5.5 Chemical oxygen demand value mg/l
- 5.6 Maximum total daily dischargekl...
- 5.7 Maximum rate of discharge l/s
- 5.8 Periods of maximum discharge (e.g. 07:00 - 08:00 = 36 kl/h)
- 5.9 If any of the substances, or their salts, specified in the table below are used or produced on the premises, a cross must be placed in the space in which the substance appears and the maximum concentration of each likely to be present in the effluent, must be stated in mg/l.

Substance	Substance
Iron as Fe	Cyanide as HCN
Chromium as Cr	Fluoride as F
Nickel as Ni	Sulphides as S
Cadmium as Cd	Sulphates as SO ₄
Copper as Cu	Phosphorus as P
Zinc as Zn	Orthophosphate as P
Cobalt as Co	Total Nitrogen as N
Lead as Pb	Ammonia as N

Selenium as Se	Nitrates as N
Mercury as Hg	Starch or sugars
Molybdenum as Mo	Tar or tar oil
Arsenic as As	Fats, oils and grease
Boron as B	Synthetic detergents
Other substances	Volatile solvents

5.10 Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application will only be granted on the applicant's undertaking, as he or she is by virtue of his or her signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions which the Council may think fit to impose in any particular case:

1. The applicant must annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provisions made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant must submit to the Council, if requested, plans showing the reticulation systems on his or her premises for water and industrial effluent.
3. The applicant must, in addition to complying with the provisions of the Water Services By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection of its employees, sewers and treatment plant from injury or damage, and comply with any direction concerned with such protection given to him by the authorised officer verbally or in writing for the purpose of ensuring the applicant's compliance with the said By-laws.
4. The applicant must provide a separate drainage installation for conveying industrial effluent and for discharging same into the sewer via a separate connection as directed by the Council.
5. The applicant agrees to provide a suitable sample point for his industrial effluent and manage the effluent in such a manner that at all times the samples taken thereof are an accurate representation of the strength and composition of the industrial effluent.
6. The applicant must notify the Council, as soon as possible after he becomes aware of, or at least 14 days before anything is done to cause any material alteration in the nature or quantity of discharge of the industrial effluent specified in this application, or in any of the facts stated by him therein.
7. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application, is to the best of his knowledge and belief in all respects correct.
8. The applicant agrees that, the said information being warranted in all respects correct, forms the basis on which this application is granted by the Council.

Thus done at this day of 200....

Signature & Capacity of Applicant

Permission is hereby granted by me on behalf of the Council, I being duly thereunto authorised, for the discharge into the Council 's sewer in accordance with the Water Services By-laws of industrial effluent as described in this form and in the circumstances therein set forth : Provided that this permission is revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant or in the event of any contravention of the said By-laws or the conditions on which this permission is granted.

The said permission is given subject also to the following special conditions:

SIGNED :

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SCHEDULE D**LIMITS AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES**

Subject to the provisions of section 62(1)(i) of the Water Services By-laws the following limits will apply:

(a) the maximum concentration limits of substances contained in any sewage, industrial effluent or other liquid discharged to the sewer;

- (i) Electrical conductivity not greater than : 500mS/m at 20 degrees Celsius.
- (ii) Substances not in solution including fat, oil, grease, waxes and like substances -

- (a) of mineral origin < 50 mg/l
- (b) of vegetable origin < 200 mg/l

Chlorides (expressed as Cl): 1 000 mg/l
 Anionic surface active agents : 250 mg/l
 Sulphates (expressed as SO₄) : 250 mg/l.
 Iron (as Fe) : 200 mg/l
 Manganese (as Mn) 50 mg/l
 Nitrates (as N) : 50 mg/l
 Chrome (expressed as Cr) : 20 mg/l
 Cobalt (expressed as Co) : 20 mg/l
 Copper (expressed as Cu) : 20 mg/l
 Titanium (as Ti): 20 mg/l
 Cyanides (as CN) : 20 mg/l
 Zinc (expressed as Zn) : 20 mg/l
 Lead (expressed as Pb) : 10 mg/l
 Phenols (expressed as phenol) : 10 mg/l
 Nickel (expressed as Ni) : 10 mg/l
 Sulphides (as S) : 10 mg/l
 Boron (expressed as B): 5 mg/l
 Fluoride (expressed as F) 5 mg/l
 Molybdenum (expressed as Mo) : 5 mg/l
 Arsenic (expressed as As) : 2,5 mg/l
 Cadmium (expressed as Cd) : 2,5 mg/l
 Selenium (expressed as Se) : 2,5 mg/l
 Mercury (expressed as Hg) : 1,0 mg/l

Radio-Active Wastes

Any radio-active wastes or isotopes; Such concentration as may be laid down by the Atomic Energy Board or any State Department.

Notwithstanding the requirements set out in this Schedule, the Council may limit the total mass of any substance or impurity discharged over a specified period into the sewers from any premises.

NOTE: THE METHODS USED FOR ASCERTAINING THE VALUE OF THE VARIOUS PARAMETERS LISTED IN THIS SCHEDULE WILL BE THE TEST METHODS NORMALLY USED BY THE COUNCIL FOR THE PURPOSE, DETAILS OF WHICH SHALL BE SUPPLIED ON REQUEST TO ANY PERSON WHO DISCHARGES INDUSTRIAL EFFLUENT.

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SCHEDULE E

REPEALED BY-LAWS

Number and year	Name of By-laws	Extent of Repeal
Local Authority Notice 1659 dated 17 June 1992	Johannesburg Municipality: Water Pollution Control By-laws	Whole
Administrator's Notice 195 dated 10 March 1965	Johannesburg Municipality: Sanitation (General) By-laws	Whole
Administrator's Notice 1227 dated 27 July 1977	Johannesburg Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 1268 dated 31 August 1977	Randburg Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 231 dated 22 February 1978	Sandton Municipality: Standard Water Supply By-laws	Whole
	Roodepoort Municipality: Standard Water Supply By-laws	Whole
	Midrand Municipality: Standard Water Supply By-laws	Whole
Administrator's Notice 509 dated 1 August 1962	Roodepoort Municipality: Drainage and Plumbing By-laws	Whole
Government Notice R.1107 dated 30 May 1984 under section 27 (2A) of the Black Local Authorities Act, 1982 (Act 102 of 1982) read with section 13(3) of the Local Government Transition Act, 1993 (Act No 209 of 1993)	Water Supply By-laws as applied by the Municipalities of Alexandra, Diepmeadow, Dobsonville and Soweto	Whole
Local Authority Notice dated 4 May 1988	Midrand Municipality: Miscellaneous By-laws Relating to the Regulating of Building and Drainage Works and Related Matters	Whole

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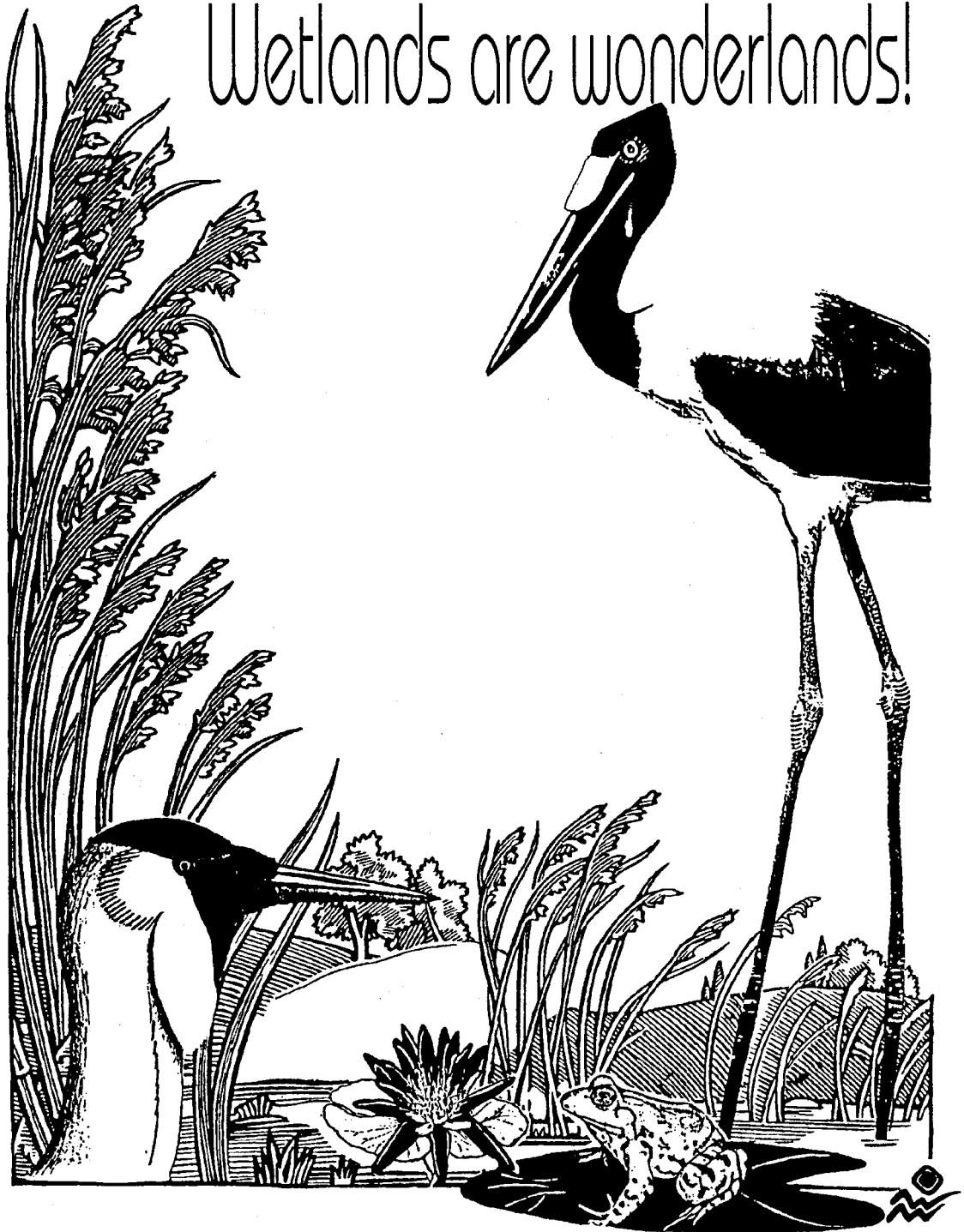
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