



Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

Provincial Gazette

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PROCLAMATION
WESTERN CAPE EDUCATION DEPARTMENT
NO. 13/2014
MERGER OF PUBLIC SCHOOLS

Under the powers vested in me by Section 12A (1) of the South African Schools Act, 1996 (Act 84 of 1996), as amended by the Education Laws Amendment Act, 1999 (Act 48 of 1999), and after careful consideration and deliberation of the consequences which such a decision may have for the learners, educators and school community I, Deborah Schäfer, Member of the Provincial Cabinet responsible for Education; Western Cape, hereby declare the merger of Camps Bay Primary School and Camps Bay Preparatory School with effect from 1 January 2015. The school will be known as Camps Bay Primary School.

Signed at Cape Town this 26th day of November 2014.



DEBORAH SCHÄFER
 MEMBER OF THE PROVINCIAL CABINET RESPONSIBLE FOR
 EDUCATION: WESTERN CAPE

PROCLAMATION
WESTERN CAPE EDUCATION DEPARTMENT
NO. 16/2014
CLOSURE OF PUBLIC SCHOOL

Under the powers vested in me by Section 33 of the South African Schools Act, 1996 (Act 84 of 1996), and after careful consideration and deliberation of the consequences which such a decision may have for the learners, educators and school community, I Deborah Schäfer, Member of the Provincial Cabinet responsible for Education: Western Cape, hereby declare the closure of Soetmelksrivier (URC) Primary School on 31 December 2014.

Signed at Cape Town this 2nd day of December 2014.



DEBORAH SCHÄFER
 MEMBER OF THE PROVINCIAL CABINET RESPONSIBLE FOR
 EDUCATION: WESTERN CAPE

PROCLAMATION
WESTERN CAPE EDUCATION DEPARTMENT
NO. 17/2014
CLOSURE OF PUBLIC SCHOOL

Under the powers vested in me by Section 33 of the South African Schools Act, 1996 (Act 84 of 1996), and after careful consideration and deliberation of the consequences which such a decision may have for the learners, educators and school community, I Deborah Schäfer, Member of the Provincial Cabinet responsible for Education: Western Cape, hereby declare the closure of Pienaarsdrift (DRC) Primary School on 31 December 2014.

Signed at Cape Town this 2nd day of December 2014.



DEBORAH SCHÄFER
 MEMBER OF THE PROVINCIAL CABINET RESPONSIBLE FOR
 EDUCATION: WESTERN CAPE

PROKLAMASIE
WES-KAAP ONDERWYSDEPARTEMENT
NR. 13/2014
SAMESMELTING VAN OPENBARE SKOLE

Kragtens die bevoegheid aan my verleen deur artikel 12A (1) van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), soos gewysig deur die Wysigingswet op Onderwyswette, 1999 (Wet 84 van 1996), en na deeglike oorweging van die gevolge wat sodanige besluit vir die leerders, opvoeders en skoolgemeenskap mag hê, verklaar ek, Deborah Schäfer, Lid van die Provinsiale Kabinet verantwoordelik vir Onderwys: Wes-Kaap, hierby dat Primêre Skool Camps Bay en Camps Bay Voorbereiding Skool met ingang van 1 Januarie 2015 saamsmelt. Die enkel skool sal bekend staan as Primêre Skool Camps Bay.

Geteken te Kaapstad op hede die 26ste dag van November 2014.



DEBORAH SCHÄFER
 LID VAN PROVINSIALE KABINET VERANTWOORDELIK VIR
 ONDERWYS: WES-KAAP

PROKLAMASIE
WES-KAAP ONDERWYSDEPARTEMENT
NR. 16/2014
SLUITING VAN OPENBARE SKOOL

Kragtens die bevoegheid aan my verleen deur artikel 33 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), en na deeglike oorweging van die gevolge wat sodanige besluit vir die leerders, opvoeders en skoolgemeenskap mag hê, verklaar ek, Deborah Schäfer, Lid van die Provinsiale Kabinet verantwoordelik vir Onderwys: Wes-Kaap, hierby dat Primêre Skool Soetmelksrivier (VGK) op 31 Desember 2014 sluit.

Geteken te Kaapstad op hede die 2de dag van Desember 2014.



DEBORAH SCHÄFER
 LID VAN PROVINSIALE KABINET VERANTWOORDELIK VIR
 ONDERWYS: WES-KAAP

PROKLAMASIE
WES-KAAP ONDERWYSDEPARTEMENT
NR. 17/2014
SLUITING VAN OPENBARE SKOOL

Kragtens die bevoegheid aan my verleen deur artikel 33 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), en na deeglike oorweging van die gevolge wat sodanige besluit vir die leerders, opvoeders en skoolgemeenskap mag hê, verklaar ek, Deborah Schäfer, Lid van die Provinsiale Kabinet verantwoordelik vir Onderwys: Wes-Kaap, hierby dat Primêre Skool Pienaarsdrift (NGK) op 31 Desember 2014 sluit.

Geteken te Kaapstad op hede die 2de dag van Desember 2014.



DEBORAH SCHÄFER
 LID VAN PROVINSIALE KABINET VERANTWOORDELIK VIR
 ONDERWYS: WES-KAAP

PROCLAMATION
PROVINCE OF WESTERN CAPE
ROADS ORDINANCE, 1976 (ORDINANCE NO 19 OF 1976)
NO. 14/2014

CAPE WINELANDS DISTRICT MUNICIPALITY:
CLOSURE OF MINOR ROAD 5853 DRIEFONTEIN; WORCESTER

Under section 3 of the Roads Ordinance, 1976 (Ordinance No 19 of 1976), I hereby declare that the existing public road (Minor Road 5853) described in the Schedule and situated in the Cape Winelands District Municipality area, the location and route of which are indicated by means of an unbroken blue line marked A-B on plan RL.59/4, which is filed in the offices of the Chief Director: Road Network Management, 9 Dorp Street, Cape Town and the Municipal Manager, Cape Winelands District Municipality, 51 Trappe Street, Worcester, shall be closed.

Signed at Cape Town this 26th day of November 2014.



MR D GRANT
 WESTERN CAPE PROVINCIAL MINISTER OF TRANSPORT AND PUBLIC WORKS

SCHEDULE

Minor Road 5853, from Trunk Road 22/2 on the property 368/11 to its terminal point on the property 364/31 Driefontein at the boundary common thereto and the property 364/34: a distance of about 2,6km.

PROKLAMASIE
PROVINSIE WES-KAAP
ORDONNANSIE OP PAAIE, 1976 (ORDONNANSIE NR 19 VAN 1976)
NR. 14/2014

KAAPSE WYNLAND DISTRIKSMUNISIPALITEIT:
SLUITING VAN ONDERGESKIKTE PAD 5853 DRIEFONTEIN; WORCESTER

Kragtens artikel 3 van die Ordonnansie op Paaie, 1976 (Ordonnansie nr 19 van 1976), verklaar ek hierby dat die bestaande openbare pad (Ondergeskikte Pad 5853) in die Bylae beskrywe en binne die gebied van die Kaapse Wynland Distriksmunisipaliteit geleë, waarvan die ligging en roete is soos aangedui deur middel van 'n ongebroke blou lyn gemerk A-B op plan RL.59/4 wat geliasseer is in die kantore van die Hoof-Direkteur: Padnetwerkbestuur, Dorpstraat 9, Kaapstad, en die Munisipale Bestuurder, Kaapse Wynland Distriksmunisipaliteit, Trappestraat 51, Worcester gesluit is.

Geteken te Kaapstad op hede die 26ste dag van November 2014.



MNR D GRANT
 WES-KAAPSE PROVINSIALE MINISTER VAN VERVOER EN OPENBARE WERKE

BYLAE

Ondergeskikte Pad 5853, vanaf Grootpad 22/2 op die eiendom 368/11 na die terminale punt op die eiendom 364/31 Driefontein by die gemeenskaplike grens daarvan en die eiendom 364/34: 'n afstand van ongeveer 2,6km.

UMPOPOSHO
IPHONDO LENTSHONA KOLINI
I-ROADS ORDINANCE, 1976 (I-ORDINANCE NO 19 KA-1976)
NOMB. 14/2014
UMASIPALA WESITHILI SASE-CAPE WINELANDS:
UKUVALWA KWE-MINOR ROAD 5853 DRIEFONTEIN; EWORCESTER

Phantsi kwecandelo lesi-3 le-Roads Ordinance, 1976 (i-Ordinance Nomb 19 ka-1976), ndibhengeza ukuba indlela kawonkewonke elapho (Minor Road 5853) echazwe kwiShedyuli nekwingingqi kaMasipala weSithili saseCape Winelands, indawo nendlela ziboniswe ngomgca oluhlaza ongaqhawu-qhawulwanga ophawulwe ngo-A-B kwiplani RL.59/4, ezifayilishwe kwii-ofisi zoMlawuli Jikelele: uLawulo loThungelwano IweeNdelela, 9 Dorp Street, eKapa nakwiManejala kaMasipala, kuMasipala weSithili saseCape Winelands, 51 Trappe Street, eWorcester, iza kuvalwa.

Ityikitywe eKapa ngalo mhla 26 kwinyanga November 2014.



MNU D GRANT
 IPHONDO LENTSHONA KOLONI UMPHATHISWA WEZOTHUTHO NEMISEBENZI YOLUNTU

ISHEDYULI

Minor Road 5853, ukusuka eTrunk Road 22/2 kumhlaba 368/11 kwindawo ekumhlaba 364/31 eDriefontein kumda odibene nomhlaba 364/34: ongunqama omalunga ne- 2,6km.

**PROCLAMATION
WESTERN CAPE EDUCATION DEPARTMENT**

NO. 18/2014

CLOSURE OF PUBLIC SCHOOL

Under the powers vested in me by Section 33 of the South African Schools Act, 1996 (Act 84 of 1996), and after careful consideration and deliberation of the consequences which such a decision may have for the learners, educators and school community, I Deborah Schäfer, Member of the Provincial Cabinet responsible for Education: Western Cape, hereby declare the closure of Eselbank (MOR) Primary School on 31 December 2014.

Signed at Cape Town this 2nd day of December 2014.



DEBORAH SCHÄFER
MEMBER OF THE PROVINCIAL CABINET RESPONSIBLE FOR
EDUCATION: WESTERN CAPE

**PROCLAMATION
WESTERN CAPE EDUCATION DEPARTMENT**

NO. 19/2014

CLOSURE OF PUBLIC SCHOOL

Under the powers vested in me by Section 33 of the South African Schools Act, 1996 (Act 84 of 1996), and after careful consideration and deliberation of the consequences which such a decision may have for the learners, educators and school community, I Deborah Schäfer, Member of the Provincial Cabinet responsible for Education: Western Cape, hereby declare the closure of Maasrust (SSKV) Primary School on 31 December 2014.

Signed at Cape Town this 2nd day of December 2014.



DEBORAH SCHÄFER
MEMBER OF THE PROVINCIAL CABINET RESPONSIBLE FOR
EDUCATION: WESTERN CAPE

**PROKLAMASIE
WES-KAAP ONDERWYSDEPARTEMENT**

NR. 18/2014

SLUITING VAN OPENBARE SKOOL

Kragtens die bevoegheid aan my verleen deur artikel 33 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), en na deeglike ooreweging van die gevolge wat sodanige besluit vir die leerders, opvoeders en skoolgemeenskap mag hê, verklaar ek, Deborah Schäfer, Lid van die Provinsiale Kabinet verantwoordelik vir Onderwys: Wes-Kaap, hierby dat Primêre Skool Eselbank (MOR) op 31 Desember 2014 sluit.

Geteken te Kaapstad op hede die 2de dag van Desember 2014.



DEBORAH SCHÄFER
LID VAN PROVINSIALE KABINET VERANTWOORDELIK VIR
ONDERWYS: WES-KAAP

**PROKLAMASIE
WES-KAAP ONDERWYSDEPARTEMENT**

NR. 19/2014

SLUITING VAN OPENBARE SKOOL

Kragtens die bevoegheid aan my verleen deur artikel 33 van die Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996), en na deeglike ooreweging van die gevolge wat sodanige besluit vir die leerders, opvoeders en skoolgemeenskap mag hê, verklaar ek, Deborah Schäfer, Lid van die Provinsiale Kabinet verantwoordelik vir Onderwys: Wes-Kaap, hierby dat Primêre Skool Maasrust (SSKV) op 31 Desember 2014 sluit.

Geteken te Kaapstad op hede die 2de dag van Desember 2014.



DEBORAH SCHÄFER
LID VAN PROVINSIALE KABINET VERANTWOORDELIK VIR
ONDERWYS: WES-KAAP

**PROCLAMATION
PROVINCE OF THE WESTERN CAPE
ROADS ORDINANCE, 1976 (ORDINANCE No 19 of 1976)
NO. 15/2014**

**OVERBERG DISTRICT MUNICIPALITY: CLOSURE OF A PORTION OF MINOR ROAD 4485
(BUFFELSJAGRIVIER) SWELLENDAM**

Under section 3 of the Roads Ordinance, 1976 (Ordinance No 19 of 1976), I hereby declare that the portion of the existing public road (Minor Road 4485), as described in the Schedule and situated within the Overberg District Municipality area, the location and route of which are indicated by means of an unbroken blue line marked A-B on plan RL.61/1, which is filed in the offices of the Chief Director: Road Network Management, 9 Dorp Street, Cape Town, 8001 and the Municipal Manager, Overberg District Municipality, 26 Long Street, Bredasdorp, 7280 shall be closed.

Dated at Cape Town this 25th day of November 2014.



Ms J Gooch
HEAD OF DEPARTMENT: TRANSPORT & PUBLIC WORKS

SCHEDULE

The portion of Minor Road 4485, from a point on the property Farm 682 at the boundary common thereto and the property Farm 683 to its terminal point on the property 266/21: a distance of about 630m.

PROKLAMASIE**PROVINSIE WES-KAAP****ORDONNANSIE OP PAAIE, 1976 (ORDONNANSIE NR 19 van 1976)****NO. 15/2014****OVERBERG DISTRIKSMUNISIPALITEIT: SLUITING VAN 'N GEDEELTE VAN ONDERGESKIKTE PAD 4485
(BUFFELSJAGRIVIER) SWELLENDAM**

Kragtens artikel 3 van die Ordonnansie op Paaie, 1976 (Ordonnansie nr 19 van 1976), verklaar ek hierby dat die gedeelte van die bestaande openbare pad (Ondergeskikte Pad 4485) soos in die Bylae beskrywe en binne die gebied van die Overberg Distriksmunisipaliteit geleë, waarvan die ligging en roete is soos aangedui deur middel van 'n ongebroke blou lyn gemerk A-B op plan RL.61/1, wat geliasseer is in die kantore van die Hoofdirekteur: Padnetwerkbestuur, Dorpstraat 9, Kaapstad, 8001 en die Munisipale Bestuurder, Overberg Distriksmunisipaliteit, Langstraat 26, Bredasdorp, 7280 gesluit is.

Gedateer te Kaapstad op hede die 25ste dag van November 2014.



Me J Gooch

HOOF VAN DEPARTEMENT: VERVOER & OPENBARE WERKE

BYLAE

Die gedeelte van Ondergeskikte pad 4485, vanaf 'n punt op die eiendom 682 by die gemeenskaplike grens daarvan en die eiendom 683 na die terminale punt op die eiendom 266/21: 'n afstand van ongeveer 630m.

UMPOSHO**IPHONDO LENTSHONA KOLINI****I-ROADS ORDINANCE, 1976 (I-ORDINANCE No 19 of 1976)****NOMB. 15/2014****UMASIPALA WESITHILI SASE-OVERBERG: UKUVALWA KWESAHLULO SE-MINOR ROAD 4485
(BUFFELSJAGRIVIER) ESWELLENDAM**

Phantsi kwecandelo lesi-3 le-Roads Ordinance, 1976 (i-Ordinance Nomb 19 ka-1976), ndibhengeza ukuba isahlulo sendlela kawonkewonke elapho (Minor Road 4485), echazwe kwiShedyuli nekwingingqi kaMasipala weSithili sase-Overberg, indawo nendlela ziboniswe ngomgca oluhlaza ongaqhawu-qhawulwanga ophawulwe ngo- A-B kwiplani RL.61/1, ezifayilishwe Kwii-ofisi zoMlawuli Jikelele: loThungelwano IweeNdlela, 9 Dorp Street, eKapa, 8001 nakwiManejala kaMasipala, kuMasipala weSithili sase-Overberg, 26 Long Street, eBredasdorp, 7280 iza kuvalwa.

Ityikitywe eKapa ngalo mhla 25 kwinyanga eyeNkanga 2014.



NKsz JGooch

IPHONDO LENTSHONA KOLONI: EZOTHUTHO NEMISEBENZI YOLUNTU**ISHEDYULI**

Isahlulo se-Minor Road 4485, ukusuka kwindawo ekumhlaba weFama 682 kumda odibene nomhlaba weFama 683 ukuya kwindawo yawo yokugqibela kumhlaba 266/21: ongumgama omalunga ne-630m.

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street
Cape Town.

P.N. 324/2014

5 December 2014

WESTERN CAPE NATURE CONSERVATION BOARD

NATURE CONSERVATION ORDINANCE, 1974
(ORDINANCE 19 OF 1974)

WESTERN CAPE PROVINCE: HUNTING SEASONS, DAILY BAG LIMITS AND HUNTING BY THE USE OF PROHIBITED HUNTING METHODS

Notice is hereby given in terms of sections 78 and 79 of the Nature Conservation Ordinance, 1974 (Ordinance 19 of 1974), that for the year 2015 the hunting seasons and the daily bag limits are, as set out in the third and fourth columns, respectively, of the Schedule hereto in the areas and in respect of the species of wild animals mentioned in the first and second columns, respectively, of the said Schedule. The operation of section 29 of the said Ordinance is suspended to the extent specified in the fifth column of the said Schedule in the areas and in respect of the species of wild animals and for the periods of the year 2015 indicated opposite any such suspension in the first, second and third columns, respectively, of the said Schedule.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

P.K. 324/2014

5 Desember 2014

WES-KAAPSE NATUURBEWARINGSRAAD

ORDONNANSIE OP NATUURBEWARING, 1974
(ORDONNANSIE 19 VAN 1974)

WES-KAAP PROVINSIE: JAGSEISOENE, DAAGLIKSE JAGBUIT EN JAG DEUR GEBRUIK TE MAAK VAN VERBODE JAGMETODES

Kennis geskied hiermee in terme van artikel 78 en 79 van die Ordonnansie op Natuurbewaring, 1974 (Ordonnansie 19 van 1974), dat vir die jaar 2015 die jagseisoene en die daaglikse jagbuit vasgestel is, soos onderskeidelik uiteengesit in die derde en vierde kolom van die Bylae hiervan, in die gebiede en ten opsigte van die spesies wilde diere onderskeidelik genoem in die eerste en tweede kolom van gemelde Bylae. Die toepassing van artikel 29 van gemelde Ordonnansie wat in die vyfde kolom van gemelde Bylae gespesifiseer word is opgeskort in die gebiede en ten opsigte van die spesies wilde diere en vir die tydperke van die jaar 2015 wat teenoor sodanige opskorting onderskeidelik in die eerste, tweede en derde kolom van gemelde Bylae aangedui word.

Implementation Guideline for bow-hunting in the Western Cape Province: December 2011

Introduction

In terms of section 29(i) of the Western Cape Nature Conservation Ordinance, No. 19 of 1974 ("the Ordinance"), hunting a wild animal in the Western Cape Province by means of a bow and arrow is a prohibited hunting method. CapeNature, however, accepts that the bow-hunting industry is growing and there is a demand for hunting opportunities to practise this growing sport. In addition to the growth in the industry, the technological development of bow-hunting equipment has radically increased the effectiveness of bow-hunting.

Guiding Principles

Bow-hunting in the Western Cape Province is guided by the following principles, namely:

- (a) ecologically sustainable utilisation of natural resources to maintain viable populations of indigenous species and their environments;
- (b) encouraging co-operation between landowners, bow-hunters, related industries and local communities in managing the off-take of indigenous species within limits that are not detrimental to the survival of the species;
- (c) promoting the development of the competence and responsibility of bow-hunters;
- (d) promoting responsible bow-hunting; and
- (e) ensuring that this practice is realistic, implementable and understandable.

Applicability

These principles and minimum requirements are applicable to all bow-hunting on private land within the Western Cape Province. Bow-hunting is also, amongst others, subject to hunting licenses or permits, hunting seasons, daily bag limits and written permissions as stipulated in the Ordinance.

Minimum requirements for bow-hunting

- (1) The minimum requirements to hunt specific categories of wild or alien animals by means of bow and arrow are the following:
 - (a) For wild or alien animals of a small size, including gamebirds, small carnivores, hares, hyraxes, rabbits and pygmy antelope, the—
 - (i) kinetic energy should not be less than 30ft/lbs; and
 - (ii) arrow weight should not be less than 300 grains;
 - (b) For wild or alien animals of medium size, including reedbuck, impala, blesbok, warthog, bushpig, springbuck and nyala, the—
 - (i) kinetic energy should not be less than 50ft/lbs; and
 - (ii) arrow weight should not be less than 380 grains;
 - (c) For wild or alien animals of large size, including wildebeest, kudu, gemsbok, zebra, waterbuck, sable and hartebeest, the—
 - (i) kinetic energy should not be less than 60ft/lbs; and
 - (ii) arrow weight should not be less than 415 grains;
 - (d) Cape buffalo, the—
 - (i) kinetic energy should not be less than 80ft/lbs; and
 - (ii) arrow weight should not be less than 750 grains; and
 - (e) Giraffe, the—
 - (i) kinetic energy should not be less than 90ft/lbs; and
 - (ii) arrow weight should not be less than 750 grains.
- (2) In addition to the requirements contemplated in sub-paragraph (1) the following conditions apply with regards to the use of mechanical broad heads:
 - (a) for species contemplated In sub-paragraphs (1)(a), (1)(b) and (1)(c), 5% additional kinetic energy is required;
 - (b) broad heads must have at least two cutting edges; and
 - (c) the minimum permitted arrow length is 50cm.

Implementation and enforcement

Only species listed in the annual hunting notice for which section 29(i) has been suspended may be hunted with a bow and arrow.

The following definitions apply as a guideline:

ANIMALS OF SMALL SIZE = Any animal with an adult body weight (live) of 20kg or less

ANIMALS OF MEDIUM SIZE = Any animal with an adult body weight (live) of 20kg – 100kg

ANIMALS OF LARGE SIZE = Any animal with an adult body weight (live) of 100kg and heavier

SCHEDULE

(1)	(2)	(3)	(4)	(5)
Area	Species	Hunting season and/or period during which prohibited hunting methods may be practised	Daily bag limits	Extent to which section 29 is suspended
(a) Whole Western Cape Province excluding all rural and urban areas situated in the Cape Peninsula.	Blesbok (<i>Damaliscus pygargus phillipsi</i>))	Unlimited	"Paragraph (i) - Bow-and-Arrow - Conditional and subject to compliance with CapeNature's "Implementation Guideline for bow hunting in the Western Cape Province, December 2011".
	Impala (<i>Aepyceros melampus melampus</i>)	)	Unlimited
	Gemsbok (<i>Oryx gazella</i>)	)	Unlimited
	Springbok (<i>Antidorcas marsupialis</i>)	) 1 January to) 31 December	10
	Blue wildebeest (<i>Connochaetes taurinus</i>)	)	Unlimited
	Black wildebeest (<i>Connochaetes gnou</i>)	)	Unlimited
	Fallow deer (<i>Cervus dama</i>)	)	Unlimited
	Plains zebra (<i>Equus quagga</i>)	)	Unlimited
	Nyala (<i>Tragelaphus angasii</i>)	)	Unlimited
	Waterbuck (<i>Kobus ellipsiprymnus ellipsiprymnus</i>)	)	Unlimited
	Warthog (<i>Phacochoerus africanus sundevallii</i>)	) 1 June to) 31 August	2
	Mountain reedbuck (<i>Redunca fulvorufula</i>)	) 1 January to) 31 December	2
	Bushpig (<i>Potamochoerus larvatus koiropotamus</i>)))	
	Eland (<i>Taurotragus oryx</i>)	) 1 July to) 31 August	1
	Red hartebeest (<i>Alcelaphus buselaphus</i>)))	
	Vervet monkey (<i>Chlorocebus pygerythrus</i>)	) 1 January to) 31 December	2
	Baboon (<i>Papio ursinus</i>)))	
	Rock dassie (<i>Procavia capensis</i>)	) 1 January to) 31 December	5
	Hares (<i>Lepus spp.</i>) and Rabbits (<i>Pronolagus spp.</i>) (excluding Riverine rabbit - <i>Bunogalus sp.</i>)	) 1 January to) 31 December	1
	Common Quail (<i>Coturnix coturnix</i>)	) 1 March to) 30 April	5

(1)	(2)	(3)	(4)	(5)
Area	Species	Hunting season and/or period during which prohibited hunting methods may be practised	Daily bag limits	Extent to which section 29 is suspended
(b) Whole Western Cape Province	Helmeted Guineafowl (<i>Numida meleagris</i>)))	
	Red-knobbed Coot (<i>Fulica cristata</i>)	) 1 January to 31 December	) 10 each
	Speckled Pigeon (<i>Columba guinea</i>)))	
	Red-eyed Dove (<i>Streptopelia semitorquata</i>)	) 1 January to 31 December	) 40 in all
	Laughing Dove (<i>Streptopelia senegalensis</i>)))	
	Cape Turtle Dove (<i>Streptopelia capicola</i>)))	
	Egyptian Goose (<i>Alopochen aegyptiacus</i>)	) 1 January to 31 December	) 10
	Spur-winged Goose (<i>Plectropterus gambensis</i>)	) 1 January to 31 December	) 3
	Yellow-billed Duck (<i>Anas undulata</i>)))	
	Red-billed Teal (<i>Anas erythrorhyncha</i>)))	
	South African Shelduck (<i>Tadorna cana</i>)	) 1 January to 30 June	) 10 in all
	Cape Teal (<i>Anas capensis</i>)))	
	Cape Shoveler (<i>Anas smithii</i>)))	
	Southern Pochard (<i>Netta erythrophthalma</i>)))	
	Grey-winged Francolin (<i>Scleroptila africanus</i>)))	
	Cape Spurfowl (<i>Pternistis capensis</i>)	) 1 May to 31 July	) 6 in all
	Red-necked Spurfowl (<i>Pternistis afer</i>)))	
))	

(1)	(2)	(3)	(4)	(5)
Area	Species	Hunting season and/or period during which prohibited hunting methods may be practised	Daily bag limits	Extent to which section 29 is suspended
(c) Whole Western Cape Province excluding all the districts of Beaufort West, Mossel Bay, George, Knysna and Uniondale	Grey duiker (<i>Sylvicapra grimmia</i>)	1 June to 31 August	1	"Paragraph (i) - Bow-and-Arrow - Conditional and subject to compliance with CapeNature's "Implementation Guideline for bow hunting in the Western Cape Province, December 2011".
(d) Only the districts of Mossel Bay, George, Knysna and Uniondale	Grey duiker (<i>Sylvicapra grimmia</i>)	1 June to 31 July	1	
(e) Whole Western Cape Province	Bush-buck (<i>Tragelaphus scriptus sylvaticus</i>)	1 June to 31 July	1	
(f) Whole Western Cape Province excluding the districts of Darling, Piketberg, Clanwilliam, Citrusdal, Porterville, Tulbagh and Wolseley	Grey rhebok (<i>Pelea capreolus</i>)	1 June to 31 August	1	
(g) Only the districts of Uniondale, Ladismith, Oudtshoorn, Laingsburg, Murraysburg, Beaufort West and Prince Albert	Kudu (<i>Tragelaphus strepsiceros</i>)	1 May to 31 August	1	
(h) Only the districts of Bredasdorp and Swellendam	Kudu (<i>Tragelaphus strepsiceros</i>)	1 January to 31 December	1	
(i) Whole Western Cape Province	Caracal (<i>Caracal caracal</i>))))
(j) Whole Western Cape Province	Black-backed jackal (<i>Canis mesomelas</i>)	) 1 January to 31 December	) 10 in total	) Paragraph (d) – only cage-traps may be used
)))
)))
)))
)))

BYLAE

(1)	(2)	(3)	(4)	(5)	
Gebied	Spesies	Jagseisoen en/of tydperk waartydens verbode jagmetodes toegepas mag word	Daaglikse Jagbuit	Mate waarin artikel 29 opgeskort is	
(a) Hele Wes-Kaapprovinsie uitgesluit alle landelike & stedelike gebiede geleë in die Kaapse Skiereiland.	Blesbok (<i>Damaliscus pygargus phillipsi</i>)	)	Onbeperk	"Artikel 29(i) – Pyl en Boog – Voorwaardelik en onderhewig aan die nakoming van CapeNature se "Implementering s riglyne vir boogjag in die Wes Kaap, Desember 2011".	
	Rooibok (<i>Aepyceros melampus melampus</i>)	)	Onbeperk		
	Gembok (<i>Oryx gazella</i>)	)	Onbeperk		
	Springbok (<i>Antidorcas marsupialis</i>)	)	10		
	Blouwildebeest (<i>Connochaetes taurinus</i>)	)	1 Januarie tot 31 Desember		Onbeperk
	Swartwildebeest (<i>Connochaetes gnou</i>)	)			Onbeperk
	Takbok (<i>Cervus dama</i>)	)			Onbeperk
	Bont sebra (<i>Equus quagga</i>)	)			Onbeperk
	Nyala (<i>Tragelaphus angasii</i>)	)			Onbeperk
	Waterbok (<i>Kobus ellipsiprymnus ellipsiprymnus</i>)	)			Onbeperk
	Vlakovark (<i>Phacochoerus africanus sundavallii</i>)	)	1 Junie tot 31 Augustus		2
	Rooiribbok (<i>Redunca fulvorufula</i>)	)	1 Januarie tot 31 Desember		2
	Bosvark (<i>Potamochoerus larvatus koiropotamus</i>))			
	Eland (<i>Taurotragus oryx</i>)	)	1 Julie tot 31 Augustus		1
	Rooi hartebees (<i>Alcelaphus buselaphus</i>))			
	Blou-aap (<i>Chlorocebus pygerythrus</i>)	)	1 Januarie tot 31 Desember		2
	Bobbejaan (<i>Papio ursinus</i>))			
	Klipdassie (<i>Procavia capensis</i>)	)	1 Januarie tot 31 Desember		5
	Hase (<i>Lepus spp.</i>) en Konyne (<i>Pronolagus spp.</i>) (uitgesonderd Rivierkonyne- <i>Bunolagus sp.</i>)	)	1 Januarie tot 31 Desember		1
	Afrikaanse kwartel (<i>Coturnix coturnix</i>)	)	1 Maart tot 30 April		5
Tarentaal (<i>Numida meleagris</i>)	)	1 Januarie tot 31 Desember	10 elk		
Bleshoender (<i>Fulica cristata</i>))				

(1)	(2)	(3)	(4)	(5)	
Gebied	Spesies	Jagseisoen en/of tydperk waartydens verbode jagmetodes toegepas mag word	Daaglikse Jagbuit	Mate waarin artikel 29 opgeskort is	
(b) Hele Wes-Kaapprovinsie	Kransduif (<i>Columba guinea</i>)))		
))		
	Grootringduif (<i>Streptopelia semitorquata</i>)	)	1 Januarie tot 31 Desember	40 altesaam	
	Rooiborsduif (<i>Streptopelia senegalensis</i>))			
	Gewone Tortelduif (<i>Streptopelia capicola</i>))			
	Kolgans (<i>Alopochen aegyptiacus</i>)	)	1 Januarie tot 31 Desember	10	
	Wildemakou (<i>Plectropterus gambensis</i>)	)	1 Januarie tot 31 Desember	3	
	Geelbekeend (<i>Anas undulata</i>))			
	Rooibekeend (<i>Anas erythrorhyncha</i>))			
	Kopereend (<i>Tadoma cana</i>)	)	1 Januarie tot 30 Junie	10 altesaam	
	Teeleend (<i>Anas capensis</i>))			
	Kaapse slopeend (<i>Anas smithii</i>))			
	Bruineend (<i>Netta erythrophthalma</i>))			
	Bergpatrys (<i>Scleroptila africanus</i>))			
	Kaapse Fisant (<i>Pternistis capensis</i>)	)	1 Mei tot 31 Julie	6 altesaam	
	Rooikeelfisant (<i>Pternistis afer</i>))			
)			
)			

(1)	(2)	(3)	(4)	(5)
Gebied	Spesies	Jagseisoen en/of tydperk waartydens verbode jagmetodes toegepas mag word	Daaglikse Jagbuit	Mate waarin artikel 29 opgeskort is
(c) Hele Wes-Kaapprovinsie uitgesonderd alle distrikte van Beaufort Wes, Mosselbaai, George, Knysna en Uniondale	Duiker (<i>Sylvicapra grimmia</i>)	1 Junie tot 31 Augustus	1	""Artikel 29(i) – Pyl en Boog – Voorwaardelik en onderhewig aan die nakoming van CapeNature se "Implementering s riglyne vir boogjag in die Wes Kaap, Desember 2011".
(d) Slegs die distrikte van Mosselbaai, George, Knysna en Uniondale	Duiker (<i>Sylvicapra grimmia</i>)	1 Junie tot 31 Julie	1	
(e) Hele Wes-Kaapprovinsie	Bosbok (<i>Tragelaphus scriptus sylvaticus</i>)	1 Junie tot 31 Julie	1	
(f) Hele Wes-Kaapprovinsie uitgesonderd alle distrikte van Darling, Piketberg, Clanwilliam, Citrusdal, Porterville, Tulbagh en Wolseley	Vaalribbok (<i>Pelea capreolus</i>)	1 Junie tot 31 Augustus	1	
(g) Slegs die distrikte van Uniondale, Ladismith, Oudtshoorn, Laingsburg, Murraysburg, Beaufort-Wes en Prins Albert	Koedoe (<i>Tragelaphus strepsiceros strepsiceros</i>)	1 Mei tot 31 Augustus	1	
(h) Slegs die distrikte van Bredasdorp en Swellendam	Koedoe (<i>Tragelaphus strepsiceros strepsiceros</i>)	1 Januarie tot 31 Desember	1	
(i) Hele Wes-Kaapprovinsie	Rooikat (<i>Felis caracal</i>)	) 1 Januarie tot)) 31 Desember )	) 10)) altesaam )	) Paragraaf (d) –)) slegs vanghokke)) mag gebruik)) word)))
(j) Hele Wes-Kaapprovinsie	Rooijakkals (<i>Canis mesomelas</i>)))))))))))))

P.N. 326/2014

5 Desember 2014

CITY OF CAPE TOWN
REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as the Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 1285, Pinelands, hereby amends conditions B.1, B.3, C.1(a) and C.1(b) in Deed of Transfer No. T. 84022/2000 to read as follows:

- B.1: "The plot is sold for the purpose of the Buyer erecting thereon One Dwelling House and its appurtenances and for no other purpose, other than a bed and breakfast establishment, and the Buyer shall not without the written consent of Garden Cities sell the plot until the dwelling house under the conditions laid down herein is erected thereon."
- B.3 "The plot shall not be subdivided and not more than one dwelling house with the necessary outbuildings and accessories, which may be used as a bed and breakfast establishment, shall be erected on each plot as shown on the General Plan of the Garden City unless the consent of the Garden City in writing be first had and obtained. Unless otherwise agreed to in writing by Garden Cities if more than one plot is sold to any one buyer such buyer shall be bound to erect one dwelling on each plot."
- C.1(a) "That the erf be used for residential purposes and a bed and breakfast establishment only"
- C.1(b) "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith and a bed and breakfast establishment be erected on this erf."

The second and fourth prohibitions contained in Condition B.3(b) of Deed of Transfer No. T. 84022/2000, and contained as Clauses 1, 3, 10 and 12 in the Garden Cities Deed of Sale marked "A" and annexed to Deed of Transfer No. T. 22197/1946 are to be amended to read as follows:

- Clause 1: "The plot is sold for the purpose of the Buyer erecting thereon One Dwelling House and its appurtenances and for no other purpose, other than a bed and breakfast establishment, and the Buyer shall not without the written consent of Garden Cities sell the plot until the dwelling house under the conditions laid down herein is erected thereon."
- Clause 3: "The plot shall not be subdivided and not more than one dwelling house with the necessary outbuildings and accessories, which may be used as a bed and breakfast establishment, shall be erected on each plot as shown on the General Plan of the Garden City unless the consent of the Garden City in writing be first had and obtained. Unless otherwise agreed to in writing by Garden Cities if more than one plot is sold to any one buyer such buyer shall be bound to erect one dwelling on each plot."
- Clause 10: "The buyer of the said plot shall not have the right to open, or allow or 'cause to be opened and carried on thereon, any canteen, hotel, restaurant, or other place for the sale of wines, beer or spirituous liquors, or any shop or other business place whatsoever, except for a bed and breakfast establishment.";
- Clause 12: "The buyer shall not, without the consent in writing of Garden Cities, use the said plot or any buildings erected or to be placed thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement, with the exception of a bed and breakfast establishment sign restricted to 0,2m² indicating the name of the bed and breakfast establishment. Such consent, if given, may be withdrawn by Gardens Cities in which event the buyer shall remove or discontinue the use of any advertisements to which Gardens Cities may take objection."

P.K. 326/2014

5 Desember 2014

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

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, Kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 1285 Pinelands, wysig voorwaardes B.1, B.3, C.1(a) en C.1(b) soos vervat in Transportakte Nr. T. 84022/2000 om soos volg te lees:

- B.1: "The plot is sold for the purpose of the Buyer erecting thereon One Dwelling House and its appurtenances and for no other purpose, other than a bed and breakfast establishment, and the Buyer shall not without the written consent of Garden Cities sell the plot until the dwelling house under the conditions laid down herein is erected thereon."
- B.3 "The plot shall not be subdivided and not more than one dwelling house with the necessary outbuildings and accessories, which may be used as a bed and breakfast establishment, shall be erected on each plot as shown on the General Plan of the Garden City unless the consent of the Garden City in writing be first had and obtained. Unless otherwise agreed to in writing by Garden Cities if more than one plot is sold to any one buyer such buyer shall be bound to erect one dwelling on each plot."
- C.1(a) "That the erf be used for residential purposes and a bed and breakfast establishment only"
- C.1(b) "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith and a bed and breakfast establishment be erected on this erf."

Die tweede en vierde beperkings vervat in voorwaarde B. 3(b) in Transportakte Nr. T. 84022/2000 en vervat in voorwaardes 1,3,10 en 12 in die Garden Cities Verkoopsakte gemerk "A" en aangeheg aan Transportakte Nr. T. 22197/1946 word gewysig om soos volg te lees:

- Voorwaarde 1: "The plot is sold for the purpose of the Buyer erecting thereon One Dwelling House and its appurtenances and for no other purpose, other than a bed and breakfast establishment, and the Buyer shall not without the written consent of Garden Cities sell the plot until the dwelling house under the conditions laid down herein is erected thereon."
- Voorwaarde 3: "The plot shall not be subdivided and not more than one dwelling house with the necessary outbuildings and accessories, which may be used as a bed and breakfast establishment, shall be erected on each plot as shown on the General Plan of the Garden City unless the consent of the Garden City in writing be first had and obtained. Unless otherwise agreed to in writing by Garden Cities if more than one plot is sold to any one buyer such buyer shall be bound to erect one dwelling on each plot."
- Voorwaarde 10: "The buyer of the said plot shall not have the right to open, or allow or cause to be opened and carried on thereon, any canteen, hotel, restaurant, or other place for the sale of wines, beer or spirituous liquors, or any shop or other business place whatsoever, except for a bed and breakfast establishment.";
- Voorwaarde 12: "The buyer shall not, without the consent in writing of Garden Cities, use the said plot or any buildings erected or to be placed thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement, with the exception of a bed and breakfast establishment sign restricted to 0,2m² indicating the name of the bed and breakfast establishment. Such consent, if given, may be withdrawn by Gardens Cities in which event the buyer shall remove or discontinue the use of any advertisements to which Gardens Cities may take objection."

P.N. 327/2014

5 December 2014

CITY OF CAPE TOWN (BLAAUWBERG DISTRICT)

REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967): ERVEN 4538, 4539 AND 4485, MILNERTON,
CONSOLIDATED AS ERF 35097 MILNERTON

RECTIFICATION NOTICE

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owners of Erf 35097 Milnerton, hereby removes conditions 1.2.A.(a); 1.2.A.(b); II.ii.A.(a); II.ii.A.(b); III.(ii)A.(a) and III.(ii)A.(b), and amends conditions 1.2.A.(c); 1.2.A.(d); II.ii.A.(c); II.ii.A.(d); III.(ii)A.(c) and III.(ii)A.(d) contained in Certificate of Consolidated Title No. T.25310 of 2013, to read as follows:

Conditions 1.2.A.(c); II.ii.A.(c) and III.(ii)A.(c) "That the coverage shall not exceed 60% of the area of this erf. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf."

Conditions 1.2.A.(d); II.ii.A.(d) and III.(ii)A.(d) "That no building or any portion thereof except basements and any other structures which are not buildings, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf or within 1,57 metres of the lateral boundary common to any erf."

Provincial Notice PN 279/2014 dated 24 October 2014 is hereby cancelled.

P.N. 325/2014

5 December 2014

CITY OF CAPE TOWN**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, Gerhard van Lille, in my capacity as Acting Chief Land Use Management Regulator in the Department of Local Government, Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers of Law, 1994, and on application by the owner of Erf 834, Fresnaye, remove condition (b) contained in Deed of Transfer No. T. 7689/90.

P.N. 329/2014

5 December 2014

CITY OF CAPE TOWN (TABLE BAY DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 475, Bantry Bay, remove conditions D. 2., G. 1. and G. 2. as contained in Deed of Transfer No. T. 6921 of 1972.

P.K. 327/2014

5 Desember 2014

STAD KAAPSTAD (BLAAUWBERG-DISTRIK)

WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967): ERVEN 4538, 4539 EN 4485, MILNERTON,
GEKONSOLIDEER AS ERF 35097 MILNERTON

REGSTELLE ENDE KENNISGEWING

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaars van Erf 35097, Milnerton, hef voorwaardes 1.2.A.(a); 1.2.A.(b); II.ii.A.(a); II.ii.A.(b); III.(ii)A.(a) en III.(ii)A.(b), op en wysig voorwaardes 1.2.A.(c); 1.2.A.(d); II.ii.A.(c); II.ii.A.(d); III.(ii)A.(c) en III.(ii)A.(d), soos vervat in Sertifikaat van Gekonsolideerde Titel Nr. T.25310 van 2013, om soos volg te lees:

Voorwaardes 1.2.A.(c); II.ii.A.(c) en III.(ii)A.(c) "That the coverage shall not exceed 60% of the area of this erf. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf."

Voorwaardes 1.2.A.(d); II.ii.A.(d) en III.(ii)A.(d) "That no building or any portion thereof except basements and any other structures which are not buildings, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf or within 1,57metres of the lateral boundary common to any erf."

Provinsiale Kennisgewing PK. 279/2014 gedateer 24 Oktober 2014 word hiermee gekanselleer.

P.K. 325/2014

5 Desember 2014

STAD KAAPSTAD**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, Gerhard van Lille, in my hoedanigheid as Waarnemende Hoof Grondgebruikbestuur Reguleerder in die Departement van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning: Wes Kaap, handelende ingevolge die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op Delegasie van Bevoegdheids, 1994, en op aansoek van die eenaar van Erf 834, Fresnaye, hef voorwaarde (b) vervat in Transportakte Nr. T. 7689/90, op.

P.K. 329/2014

5 Desember 2014

STAD KAAPSTAD (TAFELBAAI-DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eenaar van Erf 475, Bantrybaai, voorwaardes D. 2., G. 1. en G. 2. vervat in Transportakte Nr. T. 6921 van 1972, op hef.

P.N. 328/2014

5 Desember 2014

CITY OF CAPE TOWNREMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 302, Green Point, remove condition II.B.2 contained in Deed of Transfer No. T 22096 of 1988 and amends condition II.A.2 to read as follows:—

“That not more than one dwelling house be erected on any one erf and that the coverage be restricted to 50%.”

P.N. 330/2014

5 Desember 2014

CITY OF CAPE TOWN (SOUTHERN DISTRICT)REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 3048, Kommetjie, remove conditions (a), (b) and (c) contained in the Special Conditions marked Annexure “A” to Deeds of Transfer No.’s T. 6300 of 1905 and T. 11107 of 1906 which conditions are hidden behind the pivot deed in Deed of Transfer No. T. 61818 of 2003, pertaining to Erf 3048, Kommetjie.

P.N. 331/2014

5 Desember 2014

CITY OF CAPE TOWN (SOUTHERN DISTRICT)REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 98324, Cape Town at Rondebosch, removes condition B.4.(d) contained in Deed of Transfer No. T. 54003 of 2007.

P.N. 335/2014

5 Desember 2014

CITY OF CAPE TOWNREMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)

Provincial Notice P.N. 288/2014 of 31 October 2014 is hereby cancelled.

P.K. 328/2014

5 Desember 2014

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

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie No 160 van 31 Oktober 1994 kragtens artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 302, Groenpunt, hef voorwaarde II.B.2 vervat in Transportakte Nr. T 22096 van 1988, op en wysig voorwaarde II.A.2 om as volg te lees:—

“That not more than one dwelling house be erected on any one erf and that the coverage be restricted to 50%.”

P.K. 330/2014

5 Desember 2014

STAD KAAPSTAD (SUIDELIKE DISTRIK)WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 3048, Kommetjie, hef voorwaardes (a), (b) and (c) vervat in die Spesiale Voorwaardes gemerk as Aanhangel “A” tot Transportaktes Nos. T. 6300 of 1905 en T. 11107 of 1906 verskuil agter die spilakte in Transportakte No. T. 61818 van 2003, van toepassing op Erf 3048, Kommetjie.

P.K. 331/2014

5 Desember 2014

STAD KAAPSTAD (SUIDELIKE DISTRIK)WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 98324, Kaapstad te Rondebosch hef voorwaarde B.4.(d), vervat in Transportakte Nr. T. 54003 van 2007, op.

P.K. 335/2014

5 Desember 2014

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

Provinsiale Kennisgewing P.K. 288/2014 van 31 Oktober 2014 word hiermee gekanselleer.

WESTERN CAPE GOVERNMENT

PROPOSED OFFICIAL PUBLIC LAUNCH SITES FOR THE WESTERN CAPE

The **WESTERN CAPE GOVERNMENT, Department of Environmental Affairs and Development Planning** has embarked on a process of listing Public Launch Sites in the Western Cape in terms of section 2(1) of the Public Launch Site Regulations, promulgated on 27 June 2014. The intention of the regulations is to manage public launch sites in the Coastal Zone as indicated in section 83(1)(d)(i) and (o) of the *National Environmental Management: Integrated Coastal Management Act (Act No. 24 of 2008)*, as amended.

The listing process will designate official public launch sites within the Western Cape, and identify who the respective management bodies are.

In terms of the regulations, members of the public may only launch a vessel from an official site. The regulations exclude privately used launch sites. A vessel excludes non-motorised waterborne craft which do not require a vehicle or any other equipment to launch into the water.

The proposed sites identified by the Western Cape Government, in consultation with the municipalities can be seen in the table below.

The Western Cape Government therefore encourages interested and affected parties to participate in the process by either attending the scheduled public engagements and/ or submit written comment to the following email address: coastal.enquiries@westerncape.gov.za ; or alternatively, you could send your comments to our offices at the following address: Private Bag X9086, Cape Town, 8000.

Please note that the schedule indicating dates, venues and times of the public engagements will be published in the Provincial Gazette on 12 December 2014.

For telephonic enquiries you may contact the following officials: Ryan Apolles (021) 483 2817 or leptieshaam Bekko (021) 483 3370.

WES-KAAPSE REGERING

VOORGESTELDE AMPTELIKE OPENBARE SLEEPHELLINGS VIR DIE WES-KAAP

Die **Wes-Kaapse Regering, van Omgewingsake en Ontwikkelingsbeplanning** is in die proses om, in terme van artikel 2(1) van die Openbare Sleephellingsregulasies, soos afgekondig op 27 Junie 2014, openbare sleephellings in die Wes-Kaap te lys. Die doelwit van hierdie regulasies is om die openbare sleephellings in die kussone te bestuur, soos aangedui in artikel 83(1)(d)(i) en (o) van die gewysigde *Wet op Geïntegreerde Kusbestuur (Wet no. 24 van 2008)*.

Die proses het verder ten doel om 'n amptelike lys van openbare sleephellings binne die Wes-Kaap te vestig en die onderskeie bestuursliggame te identifiseer.

In terme van die regulasies mag lede van die publiek slegs van amptelike sleephellings gebruik maak om vaartuie in die water te sleep. Die regulasies sluit nie private sleephellings in nie. Hierdie vaartuie sluit nie gemotoriseerde vaartuie in wat nie 'n voertuig of enige toerusting benodig om in die water gesleep te word nie.

Die voorgestelde sleephellings, geïdentifiseer deur die Wes-Kaapse Regering, in samewerking met die munisipaliteite, word hieronder in die tabel gelys.

Die Wes-Kaapse Regering moedig daarom geïntereseerde en betrokke partye aan om deel te neem aan die proses deur die geskeduleerde openbare vergaderings by te woon en/ of geskrewe kommentaar te stuur na die volgende e-pos adres: coastal.enquiries@westerncape.gov.za. Alternatiewelik, kan kommentaar gestuur word aan Ryan Apolles by die volgende pos-adres: Privaatsak X9086, Kaapstad, 8000.

Let asseblief daarop dat die geskeduleerde datums, vergaderplekke en tye van die beplande openbare ontmoetings gepubliseer word in die Provinsiale Gazette op 12 Desember 2014.

Vir telefoniese navrae, kontak gerus die volgende amptenare: Ryan Apolles (021)483 2817 of leptieshaam Bekko (021) 483 3370.

District	Management Body	Public Launch Sites
City of Cape Town Metropolitan	City of Cape Town Metropolitan Municipality	<ul style="list-style-type: none"> • Oceana Power Boat Club • The Water Club Granger Bay • Blouberg Beach (Doodles) • Harbour Island (Gordon's Bay) • Hottentots Holland • Strand Beach Road • Sonwabe • Kommetjie • Miller's Point • Fish Hoek Beach Sailing Club • Witsands
West Coast	Matzikama Municipality	<ul style="list-style-type: none"> • Doring Bay Harbour (unproclaimed) • Strandfontein by the Café • Ebenhaeser • Papendorp
	Cederberg Municipality	<ul style="list-style-type: none"> • Eland's Bay
	Bergrivier Municipality	<ul style="list-style-type: none"> • Bokkom Lanes A-D • Northern Dwarskersbos
	Saldanha Municipality	<ul style="list-style-type: none"> • Britannia Bay • Cubb, Paternoster • Paternoster • Klein, North West Bay • Jacobsbaai
	Swartland Municipality	<ul style="list-style-type: none"> • Yzerfontein
Overberg	Swellendam Municipality	<ul style="list-style-type: none"> • Moddergat • Malgas Western Bank • Infanta Slipway
	Cape Agulhas	<ul style="list-style-type: none"> • Suiderstrand
	Overstrand	<ul style="list-style-type: none"> • Fisherhaven Slipway • Harderbaai Slipway • Prawn Flats Slipway • Maanschynbaai.Slipway (Hangklip) • Rooiels Coastal Slipway • Kleinmond Coastal Slipway • Palmiet Slipway • Pringle Bay Slipway • Kleinbaai Boat Launching Site • Franskraal Coastal Slipway (Blousloep) • Kruismansbaai (Danger Point) • Du Toit Street Slipway • King Street Slipway • Buffeljachtsbaai • Blue Water Bay (Pearly Beach) • Die Damme (Cape Agulhas) • Rietfontein (Cape Agulhas)
Eden	Bitou Municipality	<ul style="list-style-type: none"> • Plettenberg Bay Ski Boat Club
	Knysna Municipality	<ul style="list-style-type: none"> • Buffalo Bay Ski Boat Club • Oysterbed
	George Municipality	<ul style="list-style-type: none"> • Kaaiman's River
	Mossel Bay Municipality	<ul style="list-style-type: none"> • Klein Brak • Great Brak
	Hessequa Municipality	<ul style="list-style-type: none"> • Breede Estuary – Die Kraaltjie • Breede Estuary – NSRI Slipway • Duivenshok Site A Upriver • Goukou Main Slipway • Gourits Estuary Slipway • Malgas Eastern Bank

P.N. 332/2014

5 Desember 2014

CITY OF CAPE TOWN (HELDERBERG DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning properly designated as the Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owners of Erven 1379 to 1383 and Erf 1384, Gordon's Bay, approved the application submitted in terms of section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, for the removal of restrictive title conditions 2.C. (a) and 2.C. (c) relating to Erf 1380, Gordon's Bay, and 3.C.(a) and 3.C.(c) relating to Erf 1381, Gordon's Bay and 4.C.(a) and 4.C.(c) relating to Erf 1382, Gordon's Bay contained in Deed of Transfer No. T. 67464 of 2011.

P.N. 333/2014

5 Desember 2014

CITY OF CAPE TOWN (SOUTHERN DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 2246, Grassy Park at Lotus River, remove conditions B(f)(iii) and (iv) contained in Deed of Transfer No. T. 43558 of 1983.

P.N. 334/2014

5 Desember 2014

CITY OF CAPE TOWN (SOUTHERN DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, Andre Lombaard, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owners of Erf 80251, Heathfield, approved the application submitted in terms of section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), as amended, for the removal of restrictive title condition B. (b), contained in Deed of Transfer No. T. 13039 of 1998.

P.K. 332/2014

5 Desember 2014

STAD KAAPSTAD (HELDERBERG-DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Bestuur, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaars van Erwe 1379 tot 1383, Gordonsbaai en Erf 1384, Gordonsbaai het die aansoek goedgekeur in terme van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) vir die opheffing van voorwaardes 2.C. "(a) and 2.C. (c) met betrekking tot Erf 1380, Gordonsbaai, en 3.C."(a) en 3.C.(c) met betrekking tot Erf 1381, Gordonsbaai en 4.C."(a) and 4.C.(c) met betrekking tot Erf 1382, Gordonsbaai vervat in Transportakte Nr. T. 67464 van 2011, opgehef.

P.K. 333/2014

5 Desember 2014

STAD KAAPSTAD (SUIDELIKE DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr 160 van 31 Oktober 1994 kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 2246, Grassy Park te Lotus Rivier, hef voorwaardes B(f)(iii) en (iv) vervat in Transportakte Nr. T. 43558 of 1983, op.

P.K. 334/2014

5 Desember 2014

STAD KAAPSTAD (SUIDELIKE DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, Andre Lombaard, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaars van Erf 80251, Heathfield het in terme van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) die opheffing van voorwaardes B. (b) vervat in Transportakte Nr. T. 80251 van 1998, opgehef.

TENDERS

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

NOTICES BY LOCAL AUTHORITIES**MOSEL BAY MUNICIPALITY****LAND USE PLANNING ORDINANCE, 1985
(ORD. 15 OF 1985)****LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000
(ACT 32 OF 2000)****APPLICATION FOR REZONING, SUBDIVISION AND
DEPARTURE: SEARLES NO. 252/7,
GREAT BRAK RIVER**

Notice is hereby given that the under mentioned application has been received by the Municipality in terms of Sections 15(1)(a)(i), 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). Details of the proposal are open to inspection at the Town Planning Division, 4th Floor, Montagu Place Building, Montagu Street, Mossel Bay. Any objections, with full reasons therefor, must be lodged in writing with the Municipal Manager, PO Box 25, Mossel Bay, 6500 on or before **Monday 12 January 2015**, quoting the above proposal and objector's erf number. Any comment or objection received after the aforementioned closing date may be disregarded. Any enquiries in this regard may be directed to Ms O Louw, Town Planning, at telephone number (044) 606 5074 or fax number (044) 690 5786.

In terms of section 21(4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write may approach the Legal Services Division during office hours, where a member of staff will assist you in putting your comments or objections in writing.

Applicant: DELplan Consulting on behalf of Elderly Care Fund for Personnel of the South African Police Service, PO Box 9956, GEORGE, 6530

Nature of Application:

- Proposed subdivision of Portion 7 of the farm Searles nr. 252, situated along Morrison Road, between Pienaarstrand and Hershamstrand, to Portion A (± 11.3 ha) and the Remainder;
- Proposed rezoning of Portion A of the farm Searles nr. 252 (± 11.3 ha) "Agricultural Zone I" to Subdivisional Area;
- Proposed subdivision of Subdivisional Area to 29 erven, zoned Residential Zone II (1,4497 ha) for group housing; 3 erven zoned, Residential Zone IV (6532,8m²) for flats; 1 Open Space Zone (7,4678 ha); 1 Private road (2367m²) and 1 Public Road (1,4979 ha), being Morrison Road;
- Departure from Section 8 Scheme Regulations in respect of the 3 erven zoned Residential Zone IV in order to:
 - Increase the permissible coverage from 40% to 60%;
 - Relax street building line (Morrison Road) from 8.0m to 5.0m;
 - Relax all side building lines from 4.0m to 2.0m;
- Departure from Section 8 Scheme Regulations in respect of all erven zoned Residential Zone II in order to relax the side building line from 3.0m to 0.0m

File Reference: 15/4/34/2

DR. M GRATZ, MUNICIPAL MANAGER

TENDERS

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

KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**MOSELBAAI MUNISIPALITEIT****ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985
(ORD. 15 VAN 1985)****PLAASLIKE REGERING: WET OP MUNISIPALE STELSELS,
2000 (WET 32 VAN 2000)****AANSOEK OM HERSONERING, ONDERVERDELING EN
AFWYKING: PLAAS SEARLES NR. 252/7
GROOTBRAKRIVIER**

Kennis geskied hiermee dat die ondergemelde aansoek ingevolge Artikels 15(1)(a)(i), 17 en 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) deur die Munisipaliteit ontvang is. Besonderhede van die voorstel lê ter insae by die Afdeling Stadsbeplanning, 4de Vloer, Montagu Plek Gebou, Montagustraat, Mosselbaai. Enige besware, met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 25, Mosselbaai, 6500 ingedien word op of voor **Maandag 12 Januarie 2015**, met vermelding van bogenoemde voorstel en beswaarmaker se ernommer. Enige kommentaar of beswaar wat na die voorgemelde sluitingsdatum ontvang word mag moontlik nie in ag geneem word nie. Enige navrae kan gerig word aan Me O Louw, Stadsbeplanning, by telefoonnummer (044) 606 5074 of faksnummer (044) 690 5786.

Ingevolge artikel 21(4) van die Plaaslike Regering: Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis hiermee gegee dat persone wat nie kan skryf nie, die Afdeling Regsdienste kan nader tydens kantoorure, waar 'n lid van die personeel u behulpsaam sal wees om u kommentaar of beswaar op skrif te stel.

Aansoeker: DELplan Consulting namens Elderly Care Fund for Personnel of the South African Police Service, Posbus 9956, GEORGE, 6530

Aard van Aansoek:

- Voorgestelde onderverdeling van Gedeelte 7 van die plaas Searles no. 252, geleë aan weerskante van Morrisonweg, tussen Pienaarstrand en Hershamstrand, in Gedeelte A (± 11.3 ha) en die Restant;
- Voorgestelde hersonering van Gedeelte A (± 11.3 ha) vanaf 'Landbousone I' na Onderverdelingsgebied;
- Voorgestelde onderverdeling van Onderverdelingsgebied na 29 Residensiëlesone II erwe (totaal 1,4497 ha) vir groepsbehuising; 3 Residensiëlesone IV erwe (6532,8m²) vir woonstelle; 1 Oopruimte-sone (7,4678 ha); 1 Privaat pad (2367m²) en 1 Openbare pad (1,4979 ha), synde Morrisonweg;
- Afwyking van die Artikel 8 Skemaregulasies ten opsigte van die 3 Residensiëlesone IV erwe ten einde:
 - Toelaatbare dekking te verhoog van 40% na 60%;
 - Staatboulyn (Morrisonweg) te verslap van 8.0m na 5.0m;
 - Alle sygrensboulyne te verslap vanaf 4.0m na 2.0m;
- Afwyking van die Artikel 8 Skemaregulasies ten opsigte van alle Residensiëlesone II erwe vir die verslapping van sygrens boulyne vanaf 3.0m na 0.0m.

Lêer verwysing: 15/4/34/2

DR. M GRATZ, MUNISIPALE BESTUURDER

DRAKENSTEIN MUNICIPALITY
APPLICATION FOR REZONING
AND CONSENT USE: ERF 29112 PAARL

Notice is hereby given in terms of Section 17(2)(a) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) and Clause 18(2) of the Paarl Zoning Scheme Regulations, that an application as set out below has been received and can be viewed during normal office hours at the office of the Deputy Executive Manager: Planning, Drakenstein Municipality, Administrative Offices, c/o Main and Market Street, Paarl (Telephone: 021 807-4836):

Property: Erf 29112 Paarl

Applicant: CK Rumboll & Partners

Owner: Innpact Management Services (Pty) Ltd

Locality: Located between Lemoenkloof Way and Malan Street

Extent: ±39.94 ha

Zoning: Special Zone and Agricultural Zone with temporary approval for tourist facilities for a period of 5 years

Existing Use: Bona fide agricultural and associated uses

Proposal:

Rezoning of a portion of Erf 29112 Paarl (±568m²) from Special Zone General Residential Subzone A;

Consent Use for a Social Hall in order to convert the existing wine cellar into a function venue along with ablution facilities (±568m²); and

Rezoning of a portion of Erf 29112 Paarl (±432m²) from Agricultural Zone to General Residential Subzone A in order to convert the existing manor house (±322m²) and a portion of the existing farm shed (±110m²) for the purposes of a guesthouse with 7 en-suite guestrooms.

Motivated objections to the above can be lodged in writing to the Municipal Manager, Drakenstein Municipality, PO Box 1, Paarl, 7622 by no later than **Monday, 26 January 2015**. No late objections will be considered.

Persons who are unable to read or write, can submit their objections verbally at the Municipal Offices, Berg River Boulevard, Paarl, where they will be assisted by a staff member, to put their comments in writing.

JF METTLER, MUNICIPAL MANAGER

5 December 2014

51980

PRINCE ALBERT MUNICIPALITY

NOTICE 135/2014

**PROMULGATION OF PROPERTY TAX RATES FOR
THE 2014/2015 FINANCIAL YEAR**

Notice is given in terms of Section 14(2) of the Local Government Municipal Property Rates (Act 6 of 2004) that the following property rates were approved by the Prince Albert Municipal Council at a Council Meeting held on **26 May 2014**.

- (1) That a standard property tax rate of 0,37 c/R be determined excluding agriculture use properties.
- (2) That the property tax rates for agriculture use be determined at 0.093 c/R.

Rebates on the above mentioned rates can be applied for and will be granted under certain conditions.

JF METTLER, MUNICIPAL MANAGER

5 December 2014

51985

DRAKENSTEIN MUNISIPALITEIT

**AANSOEK OM HERSONERING EN
VERGUNNINGSGEBRUIK: ERF 29112 PAARL**

Kennis geskied hiermee ingevolge Artikel 17(2)(a) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ord 15 van 1985) en Klousule 18(2) van die Paarl Soneringskemaregulasies, dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Adjunk Uitvoerende Bestuurder: Beplanning, Drakenstein Munisipaliteit, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl (Telefoon 021 807-4836):

Eiendom: Erf 29112 Paarl

Aansoeker: CK Rumboll & Vennote

Eienaar: Innpact Management Services (Pty) Ltd

Ligging: Geleë tussen Lemoenkloofweg en Malanstraat

Grootte: ±39.94 ha

Sonering: Spesiale Sone en Landbousone met tydelike goedkeuring vir toeriste-fasiliteite vir 'n periode van 5 jaar

Huidige Gebruik: Bona fide landbou- en verwante gebruike

Voorstel:

Hersonering van 'n gedeelte van Erf 29112 Paarl (±568m²) vanaf Spesiale Sone na Algemene Woonsone Subzone A;

Vergunningsgebruik vir 'n Saal vir Gesellige Byeenkomste ten einde die bestaande wynkelder te omskep in 'n onthaalfasiliteit tesame met ablusie geriewe (±568m²); en

Hersonering van 'n gedeelte van Erf 29112 Paarl (±432m²) vanaf Landbousone na Algemene Woonsone Subzone A (woongebou) ten einde die omskepping van die bestaande herehuis (±322m²) en 'n gedeelte van die bestaande plaasskuur (±110m²) na 'n gastehuis met 7 en-suite gastekamers.

Gemotiveerde besware teen bogemelde aansoek kan skriftelik gerig word aan die Munisipale Bestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622, teen nie later nie as **Maandag, 26 Januarie 2015**. Geen laat besware sal oorweeg word nie.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar mondelings by die Munisipale Kantore, Berggrivier Boulevard, Paarl, aflê, waar 'n personeellid sal help om sy kommentaar/vertoë op skrif te stel.

JF METTLER, MUNISIPALE BESTUURDER

5 Desember 2014

51980

PRINS ALBERT MUNISIPALITEIT

KENNISGEWING 135/2014

**AFKONDIGING VAN EIENDOMSBELASTINGKOERS VIR
DIE 2014/2015 FINANSIËLE JAAR**

Kennisgewing geskied hiermee ingevolge Artikel 14(2) van die Wet op Munisipale Eiendomsbelasting (Wet 6 van 2004) dat die Prince Albert Munisipale Raad tydens 'n Raadsvergadering gehou op **26 Mei 2014** die volgende Eiendomsbelastingkoerse goedgekeur het:

- (1) Dat 'n standard balastingkoers van 0,37 c/R vasgestel word met die uitsluiting van landbou gebruik eiendomme.
- (2) Dat die belastingkoers vir landbougebruik eiendom vasgestel word op 0.093 c/R.

Kortings waarvoor aansoek gedoen kan word, word onder voorgeskrewe omstandighede op bogenoemde koerse toegestaan.

JF METTLER, MUNISIPALE BESTUURDER

5 Desember 2014

51985

HESSEQUA MUNICIPALITY

**PROPOSED ALIENATION AND SUBDIVISION
OF MUNICIPAL PROPERTIES: ERF 3824
RIVERSDAL AND ERF 657 STILBAAI WEST**

1. Notice is hereby given in terms of Section 124 of Municipal Ordinance 20 of 1974, that the Council intends to alienate the following portions of land:
- (a) **Erf 3824 Riversdal** (The Takkieskloof Resort)
Council intends to alienate a portion of the property, approximately 6500m² (10 chalets and 1 Residential House) for the purpose of a group housing complex.
- (b) **Erf 657 Stilbaai West**
Council intends to alienate the following 2 portions of Erf 657 Stilbaai West, in order to await development proposals.
- (i) A Portion, approximately 7.7 ha, adjoining the municipal offices in Stilbaai. This portion is directly adjoining the municipal offices and is adjacent to Palinggat Resort and the Institutional Erf, known as the School Erf.
- (ii) A Portion, approximately 1.7 ha adjacent the NSRI building up to the entrance of Skulpiesbaai Nature Reserve. This portions does not form part of the proclaimed Nature Reserve.
2. Notice is hereby given in terms of Section 24 of the Land Use Ordinance 15 of 1985, that the Council intends to subdivide the following portions of land:
- (a) Erf 3824 Riversdal in Portion A (± 6500m²), Portion B (± 6000m²) and a Remainder.
- (b) Erf 657 Stilbaai West in a Portion A (± 1.7 ha) Portion B (± 7.7 ha) and a Remainder

Further particulars are obtainable from the Riversdal Municipal Offices Head: Planning (028) 713 8000. Any objections to the proposed alienation and subdivision must be submitted in writing to reach the office of the undersigned not later than **9 January 2015**.

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

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, PO Box 29, RIVERSDALE, 6670

5 December 2014

51981

SWARTLAND MUNICIPALITY

NOTICE 60/2014/2015**PROPOSED CONSENT USE ON ERF 785,
ABBOTSDALE**

Notice is hereby given in terms of section 7, Chapter 14.4.1 of the Swartland Integrated Zoning Scheme Regulations that an application has been received for a consent use on portion of Erf 785 (±5 ha in extent), Abbotsdale. The property is situated directly west of Abbotsdale and the purpose of the application is to operate a sandmine under the agricultural zone 1 zoning.

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 January 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

5 December 2014

51984

HESSEQUA MUNISIPALITEIT

**VOORGESTELDE VERVREEMDING EN ONDERVERDELING
VAN DIE VOLGENDE MUNISIPALE EIENDOMME: ERF 3824
RIVERSDAL EN ERF 657 STILBAAI WES**

1. Kennis geskied hiermee kragtens die bepalings van Artikel 124 van die Munisipale Ordonnansie van 1974 (Ordonnansie 20 van 1974) dat die Hessequa Raad van voorneme is om die volgende gedeeltes te vervreem, nl:
- (a) **Erf 3824 Riversdal** (Die eiendom waarop Takkieskloof geleë is)
Die Raad is van voorneme om 'n gedeelte van die eiendom, ongeveer 6500 m² (10 chalets en 'n woonhuis) vir die doeleindes van 'n groepbehuisingskompleks te vervreem.
- (b) **Erf 657 Stilbaai Wes**
Die Raad is van voorneme om die volgende 2 gedeeltes van Erf 657 te vervreem ten einde ontwikkelingsvoorstelle aan te vra:
- (i) 'n Gedeelte van ongeveer 7.7 ha wat geleë is direk aangrensend tot die munisipale geboue in Stilbaai. Die gedeelte is agter en langs die munisipale geboue en grens aan die Palinggat Oord en die skoolerf.
- (ii) 'n Gedeelte van ongeveer 1.7 ha wat strek vanaf die NSRI gebou tot by die ingangshek van die Skulpiesbaai Natuurreservaat. Hierdie gedeelte vorm nie deel van die geoproklameerde natuurreservaat nie.
2. Kennis geskied hiermee kragtens die bepalings van Artikel 24 van die Grondgebruiksordonnansie van 1985 (Ordonnansie 15 van 1985) dat die Hessequa Raad van voorneme is om die volgende eiendomme soos volg te laat onderverdeel, nl:
- (a) Erf 3824 Riversdal in 'n Gedeelte A (± 6500m²), Gedeelte B (± 6000m²) en 'n Restant.
- (a) Erf 657 Stilbaai Wes in 'n Gedeelte A (± 1.7 ha), Gedeelte B (± 7.7 ha) en 'n Restant.

Besonderhede van die voorgenoemde vervreemding en onderverdelings is beskikbaar by die Bestuurder: Beplanning en Omgewing by die Riversdal kantoor (028) 713 8000. Enige kommentaar of beswaar teen die voorgename vervreemding en onderverdeling moet skriftelik ingedien word om die ondergetekende te bereik nie later nie as **9 Januarie 2015** nie.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens normale kantoorure waar die betrokke amptenaar u sal help.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, Posbus 29, RIVERSDAL, 6670

5 Desember 2014

51981

SWARTLAND MUNISIPALITEIT

KENNISGEWING 60/2014/2015**VOORGESTELDE VERGUNNINGSGEBRUIK OP ERF 785,
ABBOTSDALE**

Kennis geskied hiermee ingevolge artikel 7, Hoofstuk 14.4.1 van die Swartland Geïntegreerde Soneringskema regulasies dat 'n aansoek ontvang is vir 'n vergunningsgebruik op gedeelte van Erf 785 (groot ±5 ha). Die eiendom is geleë direk wes van Abbotsdale en die doel van die aansoek is om 'n sandmyn onder die landbousone 1 sonering te bedryf.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubesker en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Januarie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

5 Desember 2014

51984

STELLENBOSCH MUNICIPALITY

**SUBDIVISION, REZONING AND AMENDMENT OF
SPATIAL DEVELOPMENT FRAMEWORK:
PORTION 1 OF FARM NO'S 1158, 1653 AND 1139,
LA MOTTE, FRANSCHHOEK PAARL DIVISION**

Notice is hereby given in terms of Sections 24 and 18 of the Land Use Planning Ordinance, 1985 (No 15 of 1985) that the undermentioned application has been received and is open to inspection at the office of the Director: Planning & Economic Development at the Planning Advice Centre, Plein Street, Stellenbosch (Tel (021) 808 8606). Enquiries may be directed to Mr C Alexander, PO Box 17, Stellenbosch, 7599, Tel. (021) 808 8645 and fax number (021) 886 6899 week days during the hours of 08:30 to 15:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned Director on or before **03 February 2015** quoting the above relevant legislation and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid. It is important to note that no objection will be accepted via email.

This advertisement is also available on the Municipal website www.stellenbosch.gov.za. on the Planning and Economic Development page.

Applicant: CK Rumboll & Partners

Erf/Erven number(s): Portion 1 of Farm No's 1158, 1653 and 1139, La Motte, Franschhoek, Paarl Division

Locality/Address: Access through the Robertsvei Road that intersects the R45

Nature of application:

- Proposed amendment of the Stellenbosch Spatial Development Framework to allow urban development outside of the urban edge.
- Proposed rezoning of portions of Farm No's 1158/1, 1339 and 1653, Paarl Division from Agricultural Zone I to Subdivisional Area, respectively in order to make provision for the zoning of Residential Zone I, Informal Residential, Business Zone I, Institutional Zone I, Institutional Zone II, Transport Zone II, Open Space Zone I, Authority Zone, Agricultural Zone I.
- Proposed subdivision of Farm No 1339, Paarl Division into two (2) portions, namely Portion A of $\pm 12,33$ ha in extent and the Remainder of Farm No 1339 of $\pm 1197,558$ ha in extent.
- Proposed subdivision of Portion A of Farm No 1339, Paarl Division into three-hundred-and-thirty-seven (337) land parcels to make provision for the following land uses:
 - 329 subsidized housing units
 - 1 open spaces
 - 2 creche sites
 - 2 church sites
 - 1 school site
 - 1 public road
 - 1 business site
- Proposed subdivision of Farm No 1158/1, Paarl Division into two (2) portions, namely Portion A of $\pm 4,59$ ha in extent and the Remainder of Portion 1 of Farm No 1158 of $\pm 49,0285$ ha in extent.
- Proposed subdivision of Portion A of Portion 1 of Farm No 1158, Paarl Division into one-hundred-and-eight (108) land parcels to make provision for the following land uses:
 - 106 "GAP" housing units
 - 1 Open space site
 - 1 Public road portion
- Proposed subdivision of Farm No 1653, Paarl Division into twenty-one (21) portions land parcels to make provision for the following land uses:
 - 16 Dwelling houses sites
 - 3 business sites
 - 2 municipal usage sites

(Notice No P47/14)

MUNICIPAL MANAGER

5 December 2014

51982

STELLENBOSCH MUNISIPALITEIT

**ONDERVERDELING, HERSONERING EN WYSIGING VAN
DIE RUIMTELIKE ONTWIKKELINGSRAAMWERK:
GEDEELTE 1 VAN PLAAS NRS 1158, 1653 EN 1139,
LA MOTTE, FRANSCHHOEK AFDELING PAARL**

Kennis geskied hiermee ingevolge Artikels 24 en 18 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Nr. 15 van 1985), dat die onderstaande aansoek ontvang is en by die kantoor van die Direkteur: Beplanning & Ekonomiese Ontwikkeling by die Advieskantoor (Tel. 021-808 8606) in Pleinstraat, Stellenbosch ter insae lê. Navrae kan aan Mnr. C Alexander by Posbus 17, Stellenbosch, 7599, Tel. nr. (021) 808 8645 en Faks nr. (021) 886 6899 weksdae gedurende 08:30 tot 15:30 gerig word. Besware, met volledige redes daarvoor, mag skriftelik by die kantoor van die bogenoemde Direkteur, op of voor **03 February 2015** ingedien word, met vermelding van die relevante wetgewing, die beswaarmaker se erf- en telefoonnommer sowel as adres. Enige besware ontvang na voormelde sluitingsdatum, mag as ongeldig geag word. Dit is belangrik om daarop ag te slaan dat geen besware via e-pos aanvaar sal word nie.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste www.stellenbosch.gov.za. op die Beplanning en Ekonomiese Ontwikkelingsblad.

Applikant: CK Rumboll & Vennoet

Erf/Erwe nommer(s): Gedeelte 1 van Plaas Nrs 1158, 1653 en 1139, La Motte, Franschhoek, Afdeling Paarl

Ligging/Adres: Toegang deur die Robertsvei Pad wat met die R45 verbind

Aard van aansoek:

- Voorgestelde wysiging van die Stellenbosch Ruimtelike Ontwikkelingsraamwerk ten einde stedelike ontwikkeling buite die stedelike randgebied toe te laat.
- Voorgestelde hersonering van Gedeelte 1 van Plaas Nrs 1158, 1653 en 1139, Afdeling Paarl vanaf Landbousone I na Onderverdelingsgebied, onderskeidelik ten einde voorsiening te maak vir die sonerings van Residensiële Sone I, Informele Residensiële Besigheid-sone I, Institusionele Sone I, Institusionele Sone II, Vervoersone II, Oop Ruimte Sone I, Owerheidsone en Landbousone I.
- Voorgestelde onderverdeling van Plaas Nrs 1339, Afdeling Paarl in twee (2) gedeeltes, naamlik Gedeelte A ($\pm 12,33$ ha groot) en die Restant van Plaas Nr 1339 van $\pm 1197,558$ ha groot.
- Voorgestelde onderverdeling van Gedeelte A van Plaas Nr 1339, Afdeling Paarl in drie honderd-sewe-en-dertig (337) grondeenhede ten einde voorsiening te maak vir die volgende grondgebruike:
 - 329 gesubsidiëerde behuisingseenhede
 - 1 Oop Ruimte erf
 - 2 "creche" erwe
 - 2 kerk erwe
 - 1 skool erf
 - 1 publieke pad
 - 1 besigheids erf
- Voorgestelde onderverdeling van Gedeelte 1 van Plaas nr 1158, Afdeling Paarl in twee (2) gedeeltes naamlik Gedeelte A ($\pm 4,59$ ha groot) en die Restant van Gedeelte 1 van Plaas Nr 1158 ($\pm 49,0285$ ha groot).
- Voorgestelde onderverdeling van Gedeelte A van Gedeelte van Plaas Nr 1158, Afdeling Paarl in een-honderd-en-agt (108) grondeenhede ten einde voorsiening te maak vir die volgende grondgebruike:
 - 106 "GAP" behuisingseenhede
 - 1 Oop Ruimte Erf
 - 1 Publieke Pad gedeelte
- Voorgestelde onderverdeling van Plaas Nr 1653, Afdeling Paarl in een en twintig (21) gedeeltes ten einde voorsiening te maak vir die volgende grondgebruike:
 - 16 Woonhuis erwe
 - 3 Besigheidsone erwe
 - 2 munisipale gebruikse erwe

(Kennisgewing Nr. P47/14)

MUNISIPALE BESTUURDER

5 Desember 2014

51982

SWARTLAND MUNICIPALITY

NOTICE 61/2014/2015 PROPOSED AMENDMENT OF SUBDIVISIONAL PLAN ERF 1963, YZERFONTEIN

Notice is hereby given in terms of section 30(1) of Ordinance 15 of 1985 that an application has been received for the amendmend of the subdivisional plan on erf 1963 ($\pm 2,1998$ ha in extent), Yzerfontein. The property is situated in Dassen Island Drive, Yzerfontein and the purpose of the application is to increase the amount of group housing erven from 37 to 40 (an average of $\pm 366\text{m}^2$ in extent).

Further particulars are available during office hours (weekdays) at the Department Development Services, office of the Manager: Planning, Building Control and Valuations, Municipal Office, Church Street, Malmesbury.

Any comments whether an objection or support, may be lodged in writing with the undersigned not later than **20 January 2015 at 17:00**.

JJ SCHOLTZ, MUNICIPAL MANAGER, Municipal Offices, Private Bag X52, MALMESBURY, 7299

5 December 2014

51983

THEEWATERSKLOOF MUNICIPALITY

APPLICATION FOR CONSOLIDATION OF, CONSENT USE AND DEPARTURE FOR ERVEN 5446 AND 7689, GRABOUW

Notice is hereby given that an application by R. Boshoff on behalf of Grandselect Four (Pty) Ltd has been submitted to the Theewaterskloof Municipality for:

- (i) consolidation of Erven 5446 and 7658, Grabouw;
- (ii) consent use, applicable to Business Zone 2 for the proposed consolidated erf in terms of Section 7.1.1(b) of the Theewaterskloof Municipality Integrated Zoning Scheme Regulations PN 120/2011; and
- (iii) departure applicable to prescribed provision for parking, in terms of Section 15.1(a)(i) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the proposed consolidated erf.

Nature of the application:

The application comprises the proposed erection of a super market and liquor store on the consolidated erf with parking on an adjoining erf.

Further particulars regarding the proposal are available for inspection at the Municipal Office, Grabouw from 2 December 2014 to 16 January 2015. Objections to the proposal, if any, must be in writing and reach the undermentioned on or before **16 January 2015**. Persons who are unable to write will be assisted during office hours, at the Municipal office in Caledon, to write down their objections.

Reference No.: G/5446 & 7689
Notice No.: KOR 61/2014

S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230

5 December 2014

51991

SWARTLAND MUNISIPALITEIT

KENNISGEWING 61/2014/2015 VOORGESTELDE WYSIGING VAN ONDERVERDELINGSPLAN ERF 1963, YZERFONTEIN

Kennis geskied hiermee ingevolge artikel 30(1) van Ordonnansie 15 van 1985 dat 'n aansoek ontvang is vir die wysiging van die onderverdelingsplan op erf 1963 (groot $\pm 2,1998$ ha), Yzerfontein. Die eiendom is geleë in Dassen Islandrylaan, Yzerfontein en die doel van die aansoek is om die aantal groepsbehuisingserwe van 37 na 40 (gemiddelde grootte van $\pm 366\text{m}^2$) te vermeerder.

Verdere besonderhede is gedurende gewone kantoorure (weeksdag) by Departement Ontwikkelingsdienste, die kantoor van die Bestuurder: Beplanning, Boubeheer en Waardasies, Munisipale Kantoor, Kerkstraat, Malmesbury beskikbaar.

Enige kommentaar, hetsy beswaar of ondersteuning, kan skriftelik by die ondergetekende ingedien word nie later nie as **20 Januarie 2015 om 17:00**.

JJ SCHOLTZ, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X52, MALMESBURY, 7299

5 Desember 2014

51983

THEEWATERSKLOOF MUNISIPALITEIT

AANSOEK VIR KONSOLIDASIE VAN, VERGUNNINGSGEBRUIK EN AFWYKING VIR ERWE 5446 EN 7689, GRABOUW

Kennis geskied hiermee dat 'n aansoek van R. Boshoff namens Grandselect Four (Pty) Ltd ingedien is by die Theewaterskloof Munisipaliteit vir:

- (i) konsolidasie van Erwe 5446 en 7658, Grabouw;
- (ii) vergunningsgebruik, van toepassing op Sakesone 1 op die voorgestelde gekonsolideerde erf in terme van Art. 7.1.1(b) van die Theewaterskloof Munisipaliteit Geïntegreerde Soneringskema PK 120/2011; en
- (iii) afwyking t.o.v. voorgeskrewe parkeervereistes, in terme van Art. 15.1(a)(i) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) vir die voorgestelde gekonsolideerde erf.

Aard van die aansoek:

Die aansoek behels die voorgenome oprigting van 'n supermark en drankwinkel op die gekonsolideerde erf met parkering op 'n aangrensende erf.

Verdere besonderhede van die voorstel lê ter insae by die Grabouw Munisipale Kantoor vanaf 2 Desember 2014 tot 16 Januarie 2015. Skriftelike besware teen dié voorstel, indien enige, moet die ondergemelde bereik voor of op **16 Januarie 2015**. Persone wat nie kan skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Caledon gehelp word om hul besware neer te skryf.

Verwysings Nr.: G/5446 & 7689
Kennisgewing Nr.: KOR 61/2014

S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 24, CALEDON, 7230

5 Desember 2014

51991

THEEWATERSKLOOF MUNICIPALITY

APPLICATION FOR SUBDIVISION OF PORTION 121 OF FARM NO. 811, TESSELAARSDAL, CALEDON DISTRICT

Notice is hereby given that an application from P.H. Millard has been submitted to the Theewaterskloof Municipality for the subdivision of Portion 121 of the Farm No. 811, Tesselarsdal, Caledon District into three portions, namely Port. A (± 5 ha), Port. B (± 6 ha) and Port. C (± 17 ha), in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985).

Further particulars regarding the proposal are available for inspection at the Municipal Office, Caledon from 2 December 2014 to 16 January 2015. Objections to the proposal, if any, must be in writing and reach the undermentioned on or before **16 January 2015**. Persons who are unable to write will be assisted during office hours, at the Municipal office in Caledon, to write down their objections.

Reference No. T811/121
Notice No.: KOR 64/2014

S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230

5 December 2014

51989

MOSEL BAY MUNICIPALITY

LAND USE PLANNING ORDINANCE, 1985 (ORD. 15 OF 1985)**LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000 (ACT 32 OF 2000)****APPLICATION FOR CONSOLIDATION, SUBDIVISION AND DEPARTURE: UNREGISTERED ERVEN 1965 TO 1978, PORTIONS OF REMAINDER OF ERF 1884 REEBOK, MOSEL BAY**

Notice is hereby given that the undermentioned application has been received by the Municipality in terms of Sections 15(1)(a)(i) and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985). Details of the proposal are open to inspection at the Town Planning Division, 4th Floor, Montagu Place Building, Montagu Street, Mossel Bay. Any objections, with full reasons therefor, must be lodged in writing with the Municipal Manager, PO Box 25, Mossel Bay, 6500 on or before **12 January 2015**, quoting the above proposal and objector's erf number. Any comment or objection received after the aforementioned closing date may be disregarded. Any enquiries in this regard may be directed to Ms O Louw, Town Planning, at telephone number (044) 606 5074 or fax number (044) 690 5786.

In terms of section 21(4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) notice is hereby given that people who cannot write may approach the Legal Services Division during office hours, where a member of staff will assist you in putting your comments or objections in writing.

Applicant: Formaplan Town and Regional Planners, PO BOX 9824, GEORGE 6530

Nature of Application

- Proposed consolidation and subdivision of unregistered Erven 1965 to 1978, portions of Remainder of Erf 1884, Reebok to create 23 "Residential Zone I" properties with a minimum erf size of 300m² each.
- Proposed departure for the building line encroachment of the 2m side building lines to 0m applicable to a communal lateral boundary of 22 proposed properties.

File Reference: 15/4/39/2; 15/7/39/4/1

DR. M GRATZ, MUNICIPAL MANAGER

5 December 2014

51971

THEEWATERSKLOOF MUNISIPALITEIT

AANSOEK OM ONDERVERDELING VAN GEDEELTE 121 VAN PLAAS NR. 811 TESSELAARSDAL, CALEDON DISTRIK

Kennis geskied hiermee dat 'n aansoek deur P.H. Millard ingedien is by die Theewaterskloof Munisipaliteit vir die onderverdeling van Gedeelte 121 van die Plaas Nr. 811, Tesselarsdal, Caledon Distrik in drie gedeeltes, naamlik Ged. A (± 5 ha), Ged. B (± 6 ha) en Ged. C (± 17 ha), in terme van Art. 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985).

Verdere besonderhede van die voorstel lê ter insae by die Caledon Munisipale Kantoor vanaf 2 Desember 2014 tot 16 Januarie 2015. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op **16 Januarie 2015**. Persone wat nie kan skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Caledon gehelp word om hul besware neer te skryf.

Verwysings Nr: T811/121
Kennisgewing Nr.: KOR 64/2014

S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 24, CALEDON, 7230

5 Desember 2014

51989

MOSELBAAI MUNISIPALITEIT

ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORD. 15 VAN 1985)**PLAASLIKE REGERING: WET OP MUNISIPALE STELSELS, 2000 (WET 32 VAN 2000)****AANSOEK OM KONSOLIDASIE, ONDERVERDELING EN AFWYKING: ONGEREGISTREERDE ERWE 1965 TOT 1978, GEDEELTES VAN RESTANT VAN ERF 1884 REEBOK, MOSELBAAI**

Kennis geskied hiermee dat die ondergemelde aansoek ingevolge Artikels 15(1)(a)(i) en 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) deur die Munisipaliteit ontvang is. Besonderhede van die voorstel lê ter insae by die Afdeling Stadsbeplanning, 4de Vloer, Montagu Plek Gebou, Montagustraat, Mosselbaai. Enige besware, met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 25, Mosselbaai, 6500 ingedien word op of voor **12 Januarie 2015**, met vermelding van bogenoemde voorstel en beswaarmaker se ernommer. Enige kommentaar of beswaar wat na die voorgemelde sluitingsdatum ontvang word mag moontlik nie in ag geneem word nie. Enige navrae kan gerig word aan Me O Louw, Stadsbeplanning, by telefoonnommer (044) 606 5074 of faksnommer (044) 690 5786.

Ingevolge artikel 21(4) van die Plaaslike Regering: Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000) word kennis hiermee gegee dat persone wat nie kan skryf nie, die Afdeling Regsdienste kan nader tydens kantoorure, waar 'n lid van die personeel u behulpsaam sal wees om u kommentaar of beswaar op skrif te stel.

Aansoeker: Formaplan Stads en Streekbeplanners, POSBUS 9824, George 6530

Aard van Aansoek

- Voorgestelde konsolidasie en onderverdeling van ongeregisteerde Erwe 1965 tot 1978, gedeeltes van Restant van Erf 1884, Reebok ten einde 23 "Residensiële sone I" eiendomme te skep met 'n minimum grootte van 300m² elk.
- Voorgestelde afwyking vir die boulynoorskryding van die 2m syboulyne na 0m van toepassing op 'n gemeenskaplike sygrens van 22 voorgestelde eiendomme.

Lêer verwysing: 15/4/39/2; 15/7/39/4/1

DR. M GRATZ, MUNISIPALE BESTUURDER

5 Desember 2014

51971

THEEWATERSKLOOF MUNICIPALITY

**APPLICATION FOR SUBDIVISION
OF PORT. 85 (PORT. OF PORT. 79) OF
THE FARM KROM RIVER NO. 317 AND CONSOLIDATION
OF THE FARMS ANNEX KROM RIVER NO'S 331, 332, 333
AND PORT. 33 OF THE FARM KROM RIVER NO. 317,
CALEDON DISTRICT**

Notice is hereby given that an application from BCD, Town & Regional Planners, on behalf of Golden Pond Trading 184 (Pty) Ltd has been submitted to the Theewaterskloof Municipality for:

- (i) the subdivision of Port. 85 (Port. of Port. 79) of the Farm Krom River No. 317, Caledon District into two portions, namely Portion A ($\pm 17,59$ ha) and Remainder ($\pm 59,18$ ha), in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985) and the Act on the Subdivision of Agricultural Land (Act 70 of 1970); and
- (ii) consolidation of the Farms Annex Krom River no's 331, 332, 333 and Port. 33 of the Farm Krom River No. 317, Caledon District.

Further particulars regarding the proposal are available for inspection at the Municipal Office, Caledon from 2 December 2014 to 16 January 2015. Objections to the proposal, if any, must be in writing and reach the undermentioned on or before **16 January 2015**. Persons who are unable to write will be assisted during office hours, at the Municipal office in Caledon, to write down their objections.

Reference No.: L/509
Notice No.: KOR 62/2014

S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230

5 December 2014

51990

THEEWATERSKLOOF MUNICIPALITY

**APPLICATION FOR REZONING AND DEPARTURE OF
REMAINDER OF ERF 712, GREYTON**

Notice is hereby given that an application by Boland Plan, Town and Regional Planners on behalf of P.M. Barnard has been submitted to the Theewaterskloof Municipality for:

- (i) rezoning in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985); and
- (ii) departure in terms of Section 7.1 (Table B) of the Theewaterskloof Municipality Integrated Zoning Scheme Regulations P.N. 120/2011 of Remainder of Erf 712 Greyton.

Nature of the application:

The application comprises rezoning from Single residential Zone 1 to General residential Zone 4 for the purpose of running a guest house on the erf.

Further particulars regarding the proposal are available for inspection at the Municipal Office Greyton from 2 December 2014 to 16 January 2015. Objections to the proposal, if any, must be in writing and reach the undermentioned on or before **16 January 2015**. Persons who are unable to write will be assisted during office hours, at the Municipal office in Caledon, to write down their objections.

Reference No: G/712
Notice No.: KOR 65/2014

S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230

5 December 2014

51992

THEEWATERSKLOOF MUNISIPALITEIT

**AANSOEK OM ONDERVERDELING
VAN GED. 85 (GED. VAN GED. 79) VAN
DIE PLAAS KROMRIVIER NR. 317 EN KONSOLIDASIE
VAN DIE PLASE ANNEX KROMRIVIER NR'S. 331, 332, 333
EN GED. 33 VAN DIE PLAAS KROMRIVIER NR. 317,
CALEDON DISTRIK**

Kennis geskied hiermee dat 'n aansoek deur BCD, Stads- & Streeksbeplanners, namens Golden Pond Trading 184 (Pty) Ltd ingedien is by die Theewaterskloof Munisipaliteit vir:

- (i) die onderverdeling van Ged. 85 (Ged. van Ged. 79) van die Plaas Kromrivier Nr. 317, Caledon Distrik in twee gedeeltes, naamlik Gedeelte A ($\pm 17,59$ ha) en Restant ($\pm 59,18$ ha) in terme van Art. 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985) en die Wet op die Onderverdeling van Landbougrond (Wet 70 van 1970); en
- (ii) die konsolidasie van die Plase Annex Kromrivier nrs. 331, 332, 333 en Ged. 33 van die Plaas Kromrivier nr. 317, Caledon Distrik.

Verdere besonderhede van die voorstel lê ter insae by die Caledon Munisipale Kantoor vanaf 2 Desember 2014 tot 16 Januarie 2015. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op **16 Januarie 2015**. Persone wat nie kan skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Caledon gehelp word om hul besware neer te skryf.

Verwysings Nr.: L/509
Kennisgewing Nr.: KOR 62/2014

S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 24, CALEDON, 7230

5 Desember 2014

51990

THEEWATERSKLOOF MUNISIPALITEIT

**AANSOEK OM HERSONERING EN AFWYKING VAN
RESTANT VAN ERF 712, GREYTON**

Kennis geskied hiermee dat 'n aansoek om Hersonerings en Afwyking op Restant Erf 712, Greyton van Boland Plan, Stads- en Streeksbeplanners namens P.M. Barnard ingedien is by die Theewaterskloof Munisipaliteit vir:

- (i) hersonerings in terme van Art. 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985); en
- (ii) afwyking in terme van Art. 7.1 (Tabel B) van die Theewaterskloof Munisipaliteit Geïntegreerde Soneeringskema P.K. 120/2011 van Restant van Erf 712, Greyton.

Aard van die aansoek:

Die aansoek behels hersonerings van Enkelwoningssone 1 na Algemene woonsone 4 ten einde 'n gastehuis te kan bedryf op die erf.

Verdere besonderhede van die voorstel lê ter insae by die Greyton Munisipale Kantoor vanaf 2 Desember 2014 tot 16 Januarie 2015. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op **16 Januarie 2015**. Persone wat nie kan skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Caledon gehelp word om hul besware neer te skryf.

Verwysings Nr: G/712
Kennisgewing Nr.: KOR 65/2014

S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 24, CALEDON, 7230

5 Desember 2014

51992

CITY OF CAPE TOWN (KHAYELITSHA/MITCHELLS PLAIN DISTRICT)

REZONING AND SUBDIVISION• **Erf 45867, 34 Tania Crescent, Lenteguur, Mitchells Plain**

Notice is hereby given in terms Section 15(2) and Section 24(2) of the Land Use Planning Ordinance, 1985, that the undermentioned application has been received and is open to inspection at the office of the District manager at Khayelitsha/Mitchells Plain district office (Stocks & Stocks Complex, corner of Ntlazane and Ntlakohlaza Streets, Ilitha Park, Khayelitsha). Enquiries may be directed to nabeel.bassadien@capetown.gov.za, tel 021 360 3226, Private Bag X93, Bellville 7535 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District manager or by using the following email address: comments_objections.khayemitch@capetown.gov.za on or before **3 February 2015**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Jono Trust

Case ID: 70177261

Address: 34 Tania Crescent, Lenteguur, Mitchells Plain

Nature of application:

1. Application for Rezoning from Community Zone 1 and Open Space 2 to Subdivisional area (Residential, Public Open Space, Community Zone and Public Road) in terms of Section 17(1) of the Land Use Planning Ordinance 15 of 1985.
2. Application for Subdivision into 414 Single Residential Zone 2, three Open Space Zone 2, one Community Zone 1 and remainder public roads (transport zone 2) in terms of Section 24(1) of the Land Use Planning Ordinance 15 of 1985.

ACHMAT EBRAHIM, CITY MANAGER

5 December 2014

51973

CITY OF CAPE TOWN (TYGERBERG DISTRICT)

REZONING• **Erven 8499, 22187 and 22188, Goodwood**

This notice is given in terms of Section 17 of the Land Use Planning Ordinance No 15 of 1985 (LUPO) that the undermentioned application has been received and is open to inspection at the office of the District Manager at 3rd Floor, Municipal Offices, Voortrekker Road, Parow. Enquiries may be directed to Erhard Pienaar, Private Bag X4, Parow, 7499, 3rd Floor, Municipal Offices, Voortrekker Road, Parow, erhard.pienaar@capetown.gov.za, tel 021 444 7507 and fax 021 938 8509 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District Manager or by using the following email address: comments_objections.tygerberg@capetown.gov.za on or before 5 February 2015, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: City of Cape Town

Case ID: 770177451

Address: Hamilton Street, Goodwood

Nature of application:

- Proposed rezoning of the subject vacant properties from Transport Zone 4 to General Business.

ACHMAT EBRAHIM, CITY MANAGER

5 December 2014

51976

STAD KAAPSTAD (KHAYELITSHA-/MITCHELLS PLAIN-DISTRIK)

HERSONERING EN ONDERVERDELING• **Erf 45867, Tania-singel 34, Lenteguur, Mitchells Plain**

Kennisgewing geskied hiermee ingevolge artikel 15(2) en 24(2) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Khayelitsha/Mitchells Plain-distrikskantoor, Stocks & Stocks-kompleks, h.v. Ntlazane- en Ntlakohlazastraat, Ilitha Park, Khayelitsha. Navrae kan per e-pos gestuur word na nabeel.bassadien@capetown.gov.za of Privaatsak X93, Bellville 7535, tel. 021 360 3226 weksdae van 08:00 tot 14:30. Enige besware, met volledige redes daarvoor, kan voor of op **3 Februarie 2015** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.khayemitch@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Jono Trust

Saaknommer: 70177261

Adres: Tania-singel 34, Lenteguur, Mitchells Plain

Aard van aansoek:

1. Aansoek om hersonering van gemeenskapsone 1 en oopruimte 2 na onderverdelingsgebied (residensieël, openbare oop ruimte, gemeenskapsone en openbare pad) ingevolge artikel 17(1) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985).
2. Aansoek om onderverdeling in 414 enkelresidensieële sone 2, drie oopruimtesone 2, een gemeenskapsone 1 en restant openbare paaie (vervoersone 2) ingevolge artikel 24(1) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985).

ACHMAT EBRAHIM, STADSBESTUURDER

5 Desember 2014

51973

STAD KAAPSTAD (TYGERBERG-DISTRIK)

HERSONERING• **Erf 8499, 22187 en 22188 Goodwood**

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, derde verdieping, munisipale kantore, Voortrekkerweg, Parow. Navrae kan gerig word aan Erhard Pienaar, Privaatsak X4, Parow 7499, derde verdieping, munisipale kantore, Voortrekkerweg, Parow, e-pos erhard.pienaar@capetown.gov.za, tel. 021 444 7507 en faks 021 938 8509 op weksdae van 08:00 tot 14:30. Enige besware, met volledige redes daarvoor, kan voor of op 5 Februarie 2015 skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.tygerberg@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Stad Kaapstad

Saaknommer: 770177451

Adres: Hamiltonstraat, Goodwood

Aard van aansoek:

- Voorgenome hersonering van die betrokke onbeboude eiendomme van vervoersone 4 na algemeensake.

ACHMAT EBRAHIM, STADSBESTUURDER

5 Desember 2014

51976

CITY OF CAPE TOWN (KHAYELITSHA/MITCHELLS PLAIN DISTRICT)

REZONING AND SUBDIVISION

• **Erf 40791, Japhta Masemola Road, Site B, Khayelitsha**

Notice is hereby given in terms Section 17(2) and Section 24(2) of the Land Use Planning Ordinance, 1985, that the undermentioned application has been received and is open to inspection at the office of the District manager at Khayelitsha/Mitchells Plain district office Stocks & Stocks Complex, corner of Ntlazane and Ntlakohlaza Streets, Ilitha Park, Khayelitsha. Enquiries may be directed to rudi.bester@capetown.gov.za, tel 021 360 3228, Private Bag X93, Bellville 7535 week days during 08:00–14:30. Any objections, with full reasons therefor, may be lodged in writing at the office of the abovementioned District manager or by using the following email address: comments_objections.khayemitch@capetown.gov.za on or before **5 February 2015**, quoting the above relevant legislation, the application number and the objector's erf and phone numbers and address. Any objections received after aforementioned closing date may be considered invalid.

Applicant: Candice Shandre Maasdorp (Sustainable Planning Solution)

Case ID: 70173282

Address: Japhta Masemola Road, Site B, Khayelitsha

Nature of application:

1. Application for Rezoning of a portion of Erven 40791, 18370, 544 and 18332, Khayelitsha from Limited Use (LU) Zone, Transport Zone 1 (TR1) and Transport Zone 2 (TR2) to Subdivisional Area (Residential, Business Use, Public Open Space, and Public Roads), in terms of Section 17 of the Land Use Planning Ordinance 15 of 1985.
2. Application for Subdivision of a portion of Erven 40791, 18370, 544 and 18332, Khayelitsha into 10 Single Residential Zone 2 (SR2) superblocs, 4 Local Business Zone 2 (LB2) erven, 3 Open Space Zone 2 (OS2) erven and Remainder Transport Zone 2 (TR2) as indicated on the Subdivisional Plan, Plan Nr 13.44, dated 11 September 2014, in terms of Section 24 of the Land Use Planning Ordinance 15 of 1985.

ACHMAT EBRAHIM, CITY MANAGER

5 December 2014

51974

STAD KAAPSTAD (KHAYELITSHA-/MITCHELLS PLAIN-DISTRIK)

HERSONERING EN ONDERVERDELING

• **Erf 40791, Japhta Masemola-weg, terrein B, Khayelitsha**

Kennisgewing geskied hiermee ingevolge artikel 17(2) en 24(2) van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Khayelitsha/Mitchells Plain-distrikskantoor, Stocks & Stocks-kompleks, h.v. Ntlazane- en Ntlakohlazastraat, Ilitha Park, Khayelitsha. Navrae kan per e-pos gestuur word na rudi.bester@capetown.gov.za of Privaatsak X93, Bellville 7535, tel. 021 360 3228 weksdae van 08:00 tot 14:30. Enige besware, met volledige redes daarvoor, kan voor of op **5 Februarie 2015** skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na comments_objections.khayemitch@capetown.gov.za gestuur word, met vermelding van die toepaslike wetgewing, die aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

Aansoeker: Candice Shandre Maasdorp (Sustainable Planning Solutions)

Saaknommer: 70173282

Adres: Japhta Masemola-weg, terrein B, Khayelitsha

Aard van aansoek:

1. Aansoek om hersonering van 'n gedeelte van erf 40791, 18370, 544 en 18332 Khayelitsha van beperktegebruiksone (LU), vervoersone 1 (TR1) en vervoersone 2 (TR2) na onderverdelingsgebied (residensieël, sakegebruik, openbare oop ruimte en openbare paaie) ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985).
2. Aansoek om onderverdeling van 'n gedeelte van erf 40791, 18370, 544 en 18332 Khayelitsha in tien enkelresidensieële sone 2-superblokke, vier plaaslikesakesone 2-erwe (LB2), drie oopruimtesone 2-erwe (OS2) en restant vervoersone 2 (TR2) soos aangedui op die onderverdelingsplan, plannummer 13.44 gedateer 11 September 2014 ingevolge artikel 24 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985).

ACHMAT EBRAHIM, STADSBESTUURDER

5 Desember 2014

51974

CITY OF CAPE TOWN (SOUTHERN DISTRICT)

REMOVAL OF A RESTRICTIVE TITLE CONDITION, AMENDMENT OF A CONDITION, REZONING AND DEPARTURE
(second placement)**• Erf 453 Chapman's Peak**

Please note that if the closing date falls between 15 December 2014 and 15 January 2015 (inclusive of these 2 days), the 30 day closing period referred to above shall exclude the days between 15 December 2014 and 15 January 2015.

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, Act 84 of 1967 & Sections 15, 17 & 42 of the Land Use Planning Ordinance No 15 of 1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager at Department: Planning & Building Development Management, City of Cape Town, Ground Floor, 3 Victoria Road, Plumstead, and that any enquiries may be directed to Michelle Walker, Private Bag X5, Plumstead, 7801, 3 Victoria Road, Plumstead, 7800, email michelle.walker@capetown.gov.za, tel 021 444 7725, fax 021 710 8283. The application is also open to inspection at the office of the Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning, Provincial Government of the Western Cape at the Utilitas Building, 1 Dorp Street, Cape Town week days from 08:00–12:30 and 13:00–15:30. Telephonic enquiries in this regard may be made at 021 483 5834 and the Directorate's fax number is 021 483 3098. Any objections, with full reasons therefor, may be lodged in writing at both (1) the office of the District Manager, Department: Planning & Building Development Management, City of Cape Town, Private Bag X5, Plumstead 7801 or fax 021 710 8283 or email comments_objections.southern@capetown.gov.za and (2) Director: Integrated Environmental Management, Department of Environmental Affairs & Development Planning at Private Bag X9086, Cape Town, 8000 or fax 021 483 3098 on or before the closing date, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded. For any further information, contact Michelle Walker, tel 021 444 7728 or email michelle.walker@capetown.gov.za. The closing date for comments and objections is **5 February 2015**.

Location address: Village Lane, Chapman's Peak

Applicant: Duncan Bates Professional Land Surveyor

Owner: Old Cape Village Trust

Case ID: 70155756

Nature of application:

- Removal of a restrictive title condition (Condition 1.III) in order to construct a tarred car park on the property. The condition states that "The property may only be used as Open Space for public purposes."
- Amendment of a condition (imposed in terms of the subdivision approval) which states 'No buildings or structures will be permitted on Portion 1 (erf 453) and a condition of title must be registered restricting the use as Open Space.'
- Rezoning of the property from Open Space Zone 3 to General Business Subzone GB1 to permit open space and parking.
- Departures in terms of sections 9.1.2(k)(ii) and 18.1.2 to permit parking closer than 10m to a street boundary and to relax the 5m street boundary building line adjacent to a designated metropolitan road.

ACHMAT EBRAHIM, CITY MANAGER

5 December 2014

51975

STAD KAAPSTAD (SUIDELIKE DISTRIK)

OPHEFFING VAN 'N BEPERKENDE TITELVOORWAARDE, WYSIGING VAN 'N VOORWAARDE, HERSONERING EN AFWYKING (tweede plasing)**• Erf 453 Chapman's Peak**

Let asseblief daarop dat indien die sluitingsdatum tussen 15 Desember 2014 en 15 Januarie 2015 val (dié twee dae ingesluit), die tydperk van 30 dae waarna hierbo verwys word, die dae tussen 15 Desember 2014 en 15 Januarie 2015 sal uitsluit.

Kennisgewing geskied hiermee ingevolge artikel 3(6) van die Wet op die Opheffing van Beperkings (Wet 84 van 1967) en artikel 15, 17 en 42 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, grondverdieping, Victoriaweg 3, Plumstead en dat enige navrae gerig kan word aan Michelle Walker, Privaat sak X5, Plumstead 7801, Victoriaweg 3, Plumstead 7800, e-pos michelle.walker@capetown.gov.za, tel. 021 444 7725 of faks 021 710 8283. Die aansoek is ook weksdae van 08:00 tot 12:30 en 13:00 tot 15:30 ter insae beskikbaar by die kantoor van die direkteur, geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Wes-Kaapse regering, Utilitas-gebou, Dorpstraat 1, Kaapstad. Telefoniese navrae in dié verband kan aan 021 483 5834 gerig word en die direktoraat se faksnommer is 021 483 3098. Enige besware, met volledige redes daarvoor, moet voor of op die sluitingsdatum skriftelik aan sowel (1) die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, Privaat sak X5, Plumstead 7801 gerig word, gefaks word na 021 710 8283 of per e-pos gestuur word na comments_objections.southern@capetown.gov.za as (2) die direkteur, geïntegreerde omgewingsbestuur, departement van omgewingsake en ontwikkelingsbeplanning, Privaatsak X9086, Kaapstad 8000 of faksnommer (021) 483 3098 gestuur word, met vermelding van die toepaslike wetgewing en die beswaarmaker se ernommer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word. Skakel Michelle Walker by tel. 021 444 7728 om nadere inligting te bekom of stuur e-pos na michelle.walker@capetown.gov.za. Die sluitingsdatum vir besware en kommentaar is **5 Februarie 2015**.

Liggingsadres: Village-laan, Chapman's Peak

Aansoeker: Duncan Bates Professionele Landmeter

Eienaar: Old Cape Village Trust

Saaknommer: 70155756

Aard van aansoek:

- Opheffing van 'n beperkende titelvoorwaarde (voorwaarde 1.III) ten einde 'n geteerde parkeerplein op die eiendom toe te laat. Die voorwaarde vereis dat 'die eiendom slegs as oopruimte vir openbare doeleindes' gebruik mag word.
- Wysiging van 'n voorwaarde (opgelê ingevolge die goedkeuring van onderverdeling) wat verklaar dat 'geen geboue of strukture op gedeelte 1 (erf 453) toegelaat sal word nie en 'n titelvoorwaarde moet geregistreer word wat die gebruik as oopruimte beperk'.
- Hersonerings van die eiendom van oopruimtesone 3 na algemeensakesubsone GB1 om 'n oop ruimte en parkering toe te laat.
- Afwykings ingevolge artikel 9.1.2(k)(ii) en 18.1.2 om parkering nader as 10m aan 'n straatgrens toe te laat en om die 5m-sstraatgrenslyn aanliggend aan 'n aangewese metropolitaanse pad te verslap.

ACHMAT EBRAHIM, STADSBEURDER

5 Desember 2014

51975

CITY OF CAPE TOWN (SOUTHERN DISTRICT)

**UKUSUSWA KWESITHINTELO ZEMIQATHANGO YETAYITILE, ULUNGISO LWEMIQATHANGO, UKUCANDWA
NGOKUTSHA NOTYESHELO LWEMIQATHANGO** (*sikhutshwa okwesibini*)

• **Isiza 453 Chapman's Peak**

Kukhutshwa isaziso ngokwemigaqo yeCandelo 3(6) loMthetho wokuSuswa kweZithintelo, uMthetho wama-84 ka-1967 namaCandelo 15, 17 no42 oMmiselo woCwangciso lokuSetyenziswa koMhlaba nombolo 15 ka-1985 sokuba sifunyenwe esi sicelo sikhankanywe apha yaye sivulelekile ukuba siphengululwe kwii-ofisi nguMphathi weSithili: ULawulo loCwangciso noPhuhliso lweZakhiwo, iSixeko saseKapa, Ground Floor, 3 Victoria Road, Plumstead, kwaye yonke imibuzo ingabhekiswa ngqo kuMichelle Walker, Private Bag X5, Plumstead, 7801, 3 Victoria Road, Plumstead, 7800, imeyile michelle.walker@capetown.gov.za, umnxeba 021 444 7725, ifeksi 021 710 8283.

Isicelo sivulelekile ukuba siphengululwe kwi-ofisi yoMlawuli: uLawulo lokuSingqongileyo oluHlanganisiweyo, iSebe leMicimbi yokusiNgqongileyo noCwangciso loPhuhliso, uRhulumente wePhondo leNtshona Koloni e-Utilitas Building, 1 Dorp Street, Cape Town phakathi evekini ukusuka ngo08:00–12:30 no13:00–15:30. Imibuzo ngomnxeba malunga nalo mbandela mayenziwe kwa- (021) 483 5834 kwaye inombolo yefeksi yeCandelo ngu-021 483 3098. Naziphi na izikhalazo kunye/okanye izimvo, ezinezizathu ezivakalayo, mazingeniswe ngokubhaliweyo (1) kule ofisi yoMphathi weSithili kwiSebe: loLawulo loCwangciso noPhuhliso lweZakhiwo, iSixeko saseKapa, Private Bag X5, Plumstead 7801 okanye ifeksi021 710 8283 okanye umeyile ku: comments_objections.southern@capetown.gov.za. kunye (2) nakuMlawuli: uLawulo lokuSingqongileyo oluHlanganisiweyo, iSebe leMicimbi yokusiNgqongileyo noCwangciso loPhuhliso Private Bag X9086, Cape Town, 8000 ikanye ufekse ku—021 483 3098 ngomhla okanye phambi komhla wokuvala, uphawule lo Mthetho ungentla apha, nenombolo yesiza somkhalazi. Naziphi na izikhalazo ezifunyenwe emva komhla okhankanyiweyo aziyi kuhoywa. Ngeenkukacha ezithe vetshe qhagamshelana noMichelle Walker, umnxeba 021 444 7728 ikanye imeyile michelle.walker@capetown.gov.za. Umhla wokuvalwa wezimvo nezikhalazo ngowe-**5 February 2015**.

Idilesi yendawo: Village Lane, Chapman's Peak

Umfaki-sicelo: Duncan Bates Professional Land Surveyor

Ummuni: Old Cape Village Trust

Inombolo yesicelo: 70155756

Ubume besicelo:

- Ukususwa kwezithintelo kwimiqathango yetayitile (Umqathango 1.III) ukuze kwakhiwe ipaki yemoto efakwe itha kwisakhiwo. Umqathango uxela ukuba "isakhiwo singasetyenziswa kuphela njengendawo eVulelekileyo njenjongo zokusetyenziswa luluntu."
- Ulungiso lwemiqathango (elawulwa ngokwemigaqo yophunyezo yecandelwana) echaza ukuba "Akukho zakhiwo okanye lwakhiwo luzakuvumeleke kwisiQephu 1(isiza-4530 kwaye umqathango wetayitile mawubhaliswe othintela ukusebenza njengeNdawo eVulelekileyo.
- Ukucandwa ngokutsha kwesakhiwo ukusuka kwiZowni eyiNdawo eVulelekileyo 3 ibe yiZowunana yoShishino Jikelele GB1 ukuvumela indawo evulelekileyo nepaki.
- Utyeshelo lwemiqathango ngokwecandelo 9.1.2(k)(ii) kunye no 18.1.2 ukuze kuvumeleke ipaki kufutshane nomad oyi-10m kungqameko lwestrato kunye nokucutha umda oyi-5m yongqameko lwestrato esingqubana nendlela ekhethiweyo ekwinqila.

ACHMAT EBRAHIM, CITY MANAGER

5 KweyoMnga 2014

51975

CAPE AGULHAS MUNICIPALITY

NOTICE: APPLICATION FOR SUBDIVISION, REZONING AND AMENDMENT

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the Municipality received the following application for consideration:

Owner: Cape Agulhas Municipality

Property: Erf 856 Struisbaai

Locality: North east from Struisbaai North Primary School

Existing zoning: Undetermined

Proposal:

Subdivision of a portion of Erf 856 Struisbaai (Portion A = ±1.9ha) in terms Section 24 of the Land Use Planning Ordinance, 1985.

Rezoning of Portion A of Erf 856 Struisbaai in terms of Section 17 of the Land Use Planning Ordinance, 1985 from Undetermined to Subdivisional area.

Subdivision of Portion A into 76 Single Residential Zone erven, 1 Open Space and 1 Street in terms of Section 24 of the Land Use Planning Ordinance, 1985.

Amendment of the Cape Agulhas Spatial Development Framework in terms of the Municipal Systems Act, 2000 (Act 32 of 2000).

Details of the application can be obtained from Mr Donald October during office hours.

Motivated objections and/or comments with regards to the application must reach the Municipality in writing on or before **Monday 26 January 2015**. Please note that any comments received after the closing date will not be taken into account.

Any person who cannot write are invited to visit under-mentioned office of the Municipality where Mr October will assist such person to transcribe his/her objections and/or comments.

Notice no.: S856/2014

DLG O'NEILL, MUNICIPAL MANAGER, Municipal Offices, PO Box 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

This notice is also available in isiXhosa on request.

5 December 2014

51979

KAAP AGULHAS MUNISIPALITEIT

KENNISGEWING: AANSOEK OM ONDERVERDELING, HERSONERING EN WYSIGING

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat die Munisipaliteit die volgende aansoek vir oorweging ontvang het:

Eienaar: Kaap Agulhas Munisipaliteit

Eiendom: Erf 856 Struisbaai

Ligging: Noordoos van Struisbaai-Noord Laerskool

Huidige sonering: Onbepaald

Voorstel:

Onderverdeling van 'n gedeelte van Erf 856 Struisbaai (Gedeelte A = ±1.9ha ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985.

Hersonering van Gedeelte A van Erf 856 Struisbaai ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 van Onbepaalde Sone na Onderverdelingsgebied.

Onderverdeling van Gedeelte A in 76 Enkel Woonsone erwe, 1 Oopruimte en 1 Straat ingevolge Artikel 24 van die Ordonnansie op Grondgebruikbeplanning, 1985.

Wysiging van die Kaap Agulhas Ruimtelike Ontwikkelingsraamwerk ingevolge die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

Besonderhede van die aansoek is gedurende kantoor ure by Mnr Donald October ter insae.

Skriftelik gemotiveerde kommentaar en/of besware ten opsigte van die voorstel moet voor of op **Maandag 26 Januarie 2015** by die Munisipaliteit ingedien word. Neem asb kennis dat enige kommentaar ontvang na die sluitingsdatum nie in aggeneem gaan word nie.

Enige persoon wat nie kan skryf nie kan gedurende die kantoor ure van die Munisipaliteit na ondergemelde kantoor kom waar Mnr October sodanige persoon sal help om sy/haar kommentaar en/of besware af te skryf.

Kennisgewing nr.: S856/2014

DLG O'NEILL, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 51, BREDASDORP, 7280. Tel: (028) 425 5500, Faks: (028) 425 1019

Hierdie kennisgewing is ook in isiXhosa beskikbaar op aanvraag.

5 Desember 2014

51979

WESTERN CAPE GAMBLING AND RACING BOARD

OFFICIAL NOTICE

RECEIPT OF AN APPLICATION FOR A TOTALISATOR PREMISES LICENCE

In terms of the provisions of Section 32(2) of the Western Cape Gambling and Racing Act, 1996 (Act 4 of 1996) ("the Act"), as amended, the Western Cape Gambling and Racing Board hereby gives notice that an application for a totalisator premises licence, as provided for in Sections 27(kA) and 55(A) of the Act, has been received.

Applicant for a new totalisator premises licence:	Kenilworth Racing (Pty) Ltd
Registration number:	2011/008903/07
Address of proposed totalisator premises:	Unit 6, 1 Bridge Street, Plankenburg, Stellenbosch 7600
Erf number:	1446 Kaya Mandi
Address of proposed totalisator premises:	Shops 2 and 3, Sunnyacres Centre, Kommetjie Main Road, Noordhoek, 7979
Erf number:	4103
Address of proposed totalisator premises:	Shop 5, Retreat Mall, Station Road, Retreat, 7945
Erf number:	142612
Address of proposed totalisator premises:	Shop 4, Thembaletu Square, cnr. Nelson Mandela Boulevard and Ngcakani Road, Thembaletu, George 6529
Erf number:	1821

All persons have the opportunity to object to or comment on the above application. Where objections are lodged, the grounds on which such objections are founded, must be furnished. Where comment is furnished, full particulars and facts to substantiate such comment must be provided. The name, address and telephone number of the person submitting the objection or offering the comment must also be provided. Comments or objections must reach the Board by no later than **16:00 on 25 December 2014** at the address listed below.

The application is open for inspection by interested persons, during normal office hours before **16:00 on 25 December 2014** at the Board's offices at the address listed below.

Objections or comments must be forwarded to the Chief Executive Officer, Western Cape Gambling and Racing Board, P.O. Box 8175, Rogge Bay 8012 or handed to the Chief Executive Officer, Western Cape Gambling and Racing Board, Seafare House, 68 Orange Street, Gardens, Cape Town or faxed to the Chief Executive Officer on (021) 422 2602, or emailed to objections.racingandbetting@wegr.co.za

5 December 2014

51995

WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE

AMPTELIKE KENNISGEWING

ONTVANGS VAN 'N AANSOEK OM 'N TOTALISATORPERSEELLISENSIE

Kragtens die bepalings van Artikel 32(2) van die Wes-Kaapse Wet op Dobbelary en Wedrenne, 1996 (Wet 4 van 1996) ("die Wet"), soos gewysig, gee die Wes-Kaapse Raad op Dobbelary en Wedrenne hiermee kennis dat die volgende aansoek om 'n totalisatorperseel-lisensie, soos beoog in Artikels 27(kA) en 55(A) van die Wet, ontvang is.

Aansoeker om 'n nuwe totalisatorperseellisensie:	Kenilworth Racing (Edms) Bpk
Registrasienuommer:	2011/008903/07
Adres van voorgestelde totalisatorsperseel:	Eenheid 6, Brugstraat 1, Plankenburg, Stellenbosch 7600
Erfnommer:	1446 Kaya Mandi
Adres van voorgestelde totalisatorsperseel:	Winkels 2 en 3, Sunnyacres Sentrum, Kommetjie Hoofweg, Noordhoek 7979
Erfnommer:	4103
Adres van voorgestelde totalisatorsperseel:	Winkel 5, Retreat Mall, Stasieweg, Retreat 7945
Erfnommer:	142612
Adres van voorgestelde totalisatorsperseel:	Winkel 4, Thembaletu Square, h.v. Nelson Mandela Boulevard en Ngcakaniweg, Thembaletu, George 6529
Erfnommer:	1821

Alle persone kry die geleentheid om beswaar teen of kommentaar ten opsigte van bogemelde aansoek aan te teken. In die geval van besware, moet die gronde waarop sodanige besware gebaseer is, verskaf word. Waar kommentaar verstrekkend word, moet die volle besonderhede en feite om sodanige kommentaar te staaf, voorsien word. Die naam, adres en telefoonnommer van die persoon wat beswaar wil maak of kommentaar wil lewer, moet ook voorsien word. Kommentaar of besware moet die Raad nie later as **16:00 op 25 Desember 2014** by ondergemelde adres bereik nie.

Die aansoek is voor **16:00 op 25 Desember 2014** gedurende normale kantoorure, oop vir inspeksie deur persone wat 'n belang het, by die kantoor van die Dobbelraad by die adres hieronder aangedui.

Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Seafare Huis, Oranjestraat 68, Tuine, Kaapstad 8001 of aan die Hoof- Uitvoerende Beampte gefaks word na (021) 422 2602 of per e-pos na objections.racingandbetting@wegr.co.za gestuur word.

5 Desember 2014

51995



MUNICIPALITY BEAUFORT WEST

Notice No. 125/2014



The Council of the Municipality of Beaufort West published the subjoined by-law, for general notice.

LIQUOR TRADING HOURS BY-LAWS

Whereas the Municipality of Beaufort West is vested with Legislative Authority in terms of the Constitution of the Republic of South Africa (Act 108 of 1996),

AND WHEREAS the Municipality has the right to determine its own by-laws relating to the Liquor Trading Hours;

Under the provisions of section 156 of the Constitution of the republic of South Africa, 1996, section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and section 59(2) of the Western Cape Liquor Act, 2008 (Act 4 of 2008), the Beaufort West Municipality, enacts as follows:-

TABLE OF CONTENTS

1. Definitions
2. Purpose of by-law
3. Application of by-law
4. Public participation and duties of municipality
5. Hours of trading
6. Vicarious responsibility
7. Appeal
8. Penalties
9. Short title and commencement

Schedules

1. Definitions

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

"Act" means the Western Cape Liquor Act, 2008 (Act 4 of 2008);

"hotel" means premises wherein or whereon the business of supplying lodging and meals is conducted or is intended to be conducted, and includes a motel, inn, bed and breakfast concern, caravan and camping park, guest-house, a lodge and a house boat;

"licensee" means the person to whom a licence has been issued in terms of section 46 or transferred in terms of section 65 or who is deemed to be a licensee in terms of section 89 of the Act;

"Liquor Board" means the Western Cape Liquor Board established in terms of section 2 of the Act;

"municipality" means the Beaufort West Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

"official" means any person authorised by Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

"premises" includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

"registered premises" means premises on or from which a licensee conducts his or her business;

"sell" includes supply, exchange, offer for sale, display for the purposes of sale or authorise to sell, direct to sell, or to allow a sale;

"selling hours" means the time during which a licensee is allowed to sell liquor in terms of Schedule 1;

"ward committee" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

2. Purpose of By-law

The municipality, acting in terms of the powers granted to it in the Act, adopts this By-law with the aim of regulating the hours during which liquor may be sold and matters related thereto.

3. Application of By-law

This By-law applies to all premises, situated within the area of jurisdiction of the municipality, on which a business in the trading of liquor is carried on or intended to be carried on.

4. Public participation and duties of municipality

- (1) Upon receipt of a copy of the application to sell liquor from the designated liquor officer as contemplated in section 37(4) of the Act, and in order to comply with the requirements of section 40 of the Act, the municipality must –
 - (a) allow the public to have access to the application by posting a copy of the application on all municipal notice boards; and
 - (c) make available copies of such application when requested by a member of the public against payment of a fee as determined by the municipality from time to time; and
 - (b) subject to subsection (2), instruct the ward councillor in whose ward the proposed premises is situated to submit written comments.
- (2) The ward councillor who receives an instruction as contemplated in subsection (1)(b) must, within 7 days, –
 - (a) convene a ward committee meeting to solicit the ward committee members' views with regard to the application that the applicant lodged with the Liquor Board;
 - (b) convene a consultative meeting with members of the community of the area within a radius of 100 metres of the premises that are sought to be registered to discuss and solicit their views with regard to the application that the applicant lodged with the Liquor Board;
 - (c) compile and submit a report to the municipality stipulating the date of the meetings referred to in subsections (2)(a) and (b), the time of the meetings, the names and the addresses of the people who attended, indicate whether he or she objects to or recommends the application and what additional conditions he or she proposes, if any; and
 - (d) attach the minutes of the meetings referred to in subsections (2)(a) and (b).
- (3) The municipality must, within 7 days, of receipt of the ward councillors report consider such report and submit to the Board, within the prescribed period, the documents as contemplated in section 40 of the Act.
- (4) For the purpose of considering a report as contemplated in subsection (3), an official may undertake such investigation or request such information as he or she may deem necessary for consideration by the municipality, and must submit his or her findings to the municipality.

5. Hours and days of trading

- (1) The trading hours and days, of the different kinds of licences, as listed in column 1 of the Schedule, have been determined by the municipality as listed in column 2 of the Schedule and may, subject to section 4, be reviewed by the municipality from time to time.
- (2) No licensee may sell liquor from any of the premises listed in column 1 of the Schedule to a person at a time or day other than those listed in columns 2 and 3 of the Schedule.
- (3) A licensee who contravenes subsection (2) commits an offence.

6. Vicarious responsibility

- (1) If the manager, agent or employee of a licensee sells liquor in contravention of section 5(2) of this by-law, the licensee is deemed to have sold such liquor, except where –
 - (a) the licensee neither connived at, permitted or allowed such sale;
 - (b) the licensee took such steps as he or she was reasonably able to take in order to prevent the sale; and
 - (c) the sale did not fall within the scope of the employment or authority of the manager, agent or employee.
- (2) The fact that a licensee has issued instructions prohibiting such sale is not in itself sufficient to prove that he or she took the steps required by subsection (1)(b).
- (3) When a licensee is liable in terms of subsection (1) the manager, agent or employee is also liable as if he or she was the licensee.

7. Appeal

A person whose rights are affected by a decision of the Municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal

Systems Act, 2000 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

8. Penalties

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

9. Short title and commencement

This By-law may be cited as Beaufort West Liquor Trading Hours By-laws, and come into force upon publication in the Provincial Gazette.

Municipal Offices
112 Donkin Street
Beaufort West
6970

J. Booysen
Municipal Manager

[1/1/5/1; 1/1/5/3] – 28.11.2014

SCHEDULE 1
(Section 5(1))

COLUMN 1	COLUMN 2
TYPE OF LICENCE	TRADING HOURS
Licence in terms of Section 33(a) of the Act for micro-manufacturing and sale of liquor for consumption both on and off the premises. <i>(cellars, wine makers, home distillers)</i>	For consumption on the premises: 11:00-18:00 Monday-Sunday For consumption off the premises: 09:00-18:00 Monday-Sunday
Licence in terms of Section 33(b) of the Act for the sale of liquor for consumption on the premises where liquor is sold. <i>(restaurant, sports club, pool bar, pub, sports bar, discotheque, jazz club, escort agency, pub and grub, tavern)</i> <i>(Night club)</i> <i>(Hotel, casino)</i>	11:00-04:00 Monday – Saturday 11:00-23:00 Sunday 24 hours every day
Licence in terms of Section 33(c) of the Act for the retail sale of liquor for consumption off the premises where liquor is sold. <i>(Bottle store, retail food store, wholesaler, off-sales, boutiques)</i>	09:00-20:00 Monday-Saturday 09:00-16:00 Sunday, subject thereto that the liquor licence allows the holder thereof to sell liquor on Sundays
Licence in terms of Section 33(d) of the Act for the sale of liquor for consumption on and off the premises where liquor is sold. <i>(Exceptional circumstances)</i>	For consumption on the premises: 11:00-24:00 Monday-Thursday 11:00-02:00 Friday-Saturday 11:00-22:00 Sunday For consumption off the premises: 09:00-18:00 Monday-Saturday 09:00 -16:00 Sunday
Licence in terms of Section 33(e) of the Act for the sale and consumption of liquor on and off the premises at a special event . <i>(Concert, festival, sporting event, and entertainment event)</i>	For consumption on the premises: 11:00 – 23:00 Monday – Thursday 11:00 – 24:00 Friday – Saturday 11:00 – 20:00 Sunday
A temporary licence in terms of Section 33(f) of the Act for the sale and consumption of liquor on or off the premises. <i>(Temporary pending approval of application – See section 48(1) of the Act)</i>	The hours will be the same as contained in this schedule depending on the type of licence applied for.



MUNISIPALITEIT BEAUFORT-WES

Kennisgewing No. 125/2014



Die Raad van die Munisipaliteit van Beaufort-Wes publiseer die onderstaande Verordening vir algemene kennisname.

DRANKHANDELSURE VERORDENING

Aangesien die Munisipaliteit van Beaufort-Wes ingevolge die Grondwet van die Republiek van Suid-Afrika (Wet 108 van 1996) wetgewende bevoegdheid het,

EN AANGESIEN die Munisipaliteit die reg het om sy eie Drankhandelsure Verordening te bepaal;

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, artikel 11(3)(m) van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000) en artikel 59(2) van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008) verorden die Beaufort Wes Munisipaliteit as volg:-

INHOUDSOPGAWE

1. Woordomskrywings
2. Doel van die verordening
3. Toepassing van die verordening
4. Openbare deelname en die verpligtinge van die munisipaliteit
5. Handelsure en dae waarop handel gedryf mag word
6. Middellike aanspreeklikheid
7. Appél
8. Strawwe
9. Kort titel en inwerkingtreding

Skedules

1. Woordomskrywings

In hierdie verordening, tensy dit uit die samehang anders blyk, het die volgende woorde die volgende betekenisse –

“**amptenaar**” beteken enige persoon wat deur die munisipaliteit gemagtig is om die funksies van ’n amptenaar ingevolge hierdie verordening te verrig en dit sluit enige lid van die Suid-Afrikaanse Polisiediens en enige persoon wat ingevolge die Wet aangestel is in;

“**Drankraad**” beteken die Wes-Kaapse Drankraad ingestel kragtens artikel 2 van die Wet;

“**geregistreerde perseel**” beteken ’n perseel waarop of waarvan ’n lisensiehouer sy of haar besigheid bedryf;

“**hotel**” beteken persele waarop of waarin besigheid bedryf word of bedoel word om bedryf te word ingevolge waarvan huisvesting en maaltye voorsien word en dit sluit ’n motel, herberg, bed en ontbyt, woning en huisboot in;

“**lisensiehouer**” beteken die persoon aan wie ’n lisensie toegeken is ingevolge artikel 46 of oorgeplaas is ingevolge artikel 65 of wat geag word die lisensiehouer te wees ingevolge artikel 89 van die Wet;

“**munisipaliteit**” beteken die Beaufort Wes Munisipaliteit en sluit enige politieke strukture, politieke ampsbekleër, behoorlik gemagtigde agent daarvan, of ’n diensverskaffer wat ’n verantwoordelikheid ingevolge hierdie verordening uitvoer opgedra ingevolge die Wet op Plaaslike Regering : Munisipale Stelsels, 2000 (Wet 32 van 2000) of enige ander wet, na gelang van die geval, of ’n werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid wat in die munisipaliteit berus en gedelegeer aan sodanige politieke strukture, politieke ampsbekleër, agent of werknemer;

“**perseel**” sluit enige plek, grond, gebou of vervoermiddel of enige deel daarvan wat geregistreer is om met drank handel te dryf of wat in die proses is van registrasie in;

“**verkoop**” sluit voorsiening, ruil, te koop aanbieding, vertoon vir die doeleindes van verkoop, magtiging om te verkoop, opdrag om te verkoop of toelaat om te verkoop in;

“**verkoopsure**” beteken die tye waartydens ’n lisensiehouer toegelaat word om te verkoop ingevolge Skedule 1;

“**Wet**” beteken die Wes-Kaapse Drankwet, 2008 (Act 4 of 2008);

“**wykskomitee**” beteken ’n komitee soos bedoel in die Plaaslike Regering: Munisipale Strukturewet , 1998 (Wet 117 of 1998).

2. Doel van die verordening

Ingevolge die magte wat in die Wet aan die munisipaliteit toegeken is, aanvaar die munisipaliteit hierdie verordening met die doel om die ure waartydens drank verkoop mag word en aangeleenthede wat daarmee verband hou te reguleer.

3. Toepassing van die verordening

Hierdie verordening is van toepassing op alle persele binne die jurisdiksiegebied van die munisipaliteit waarop die besigheid van handel in drank bedryf word of beoog word bedryf te word.

4. Openbare deelname en die verpligtinge van die munisipaliteit

- (1) By ontvangs van 'n afskrif van 'n aansoek om in drank handel te dryf van die aangewese drankoffisier soos bedoel in artikel 37(4) van die Wet, en ten einde aan die bepalings van artikel 40 van die Wet te voldoen, moet die munisipaliteit –
 - (a) aan die publiek toegang tot die aansoek verleen deur 'n kopie van die aansoek op alle munisipale kennisgewingborde aan te bring; en
 - (b) kopieë van sodanige aansoek beskikbaar stel op versoek van 'n lid van die publiek teen betaling van 'n tarief soos van tyd tot tyd deur die munisipaliteit vasgestel; en
 - (c) onderworpe aan subartikel (2), die wyksraadslid in wie se wyk die perseel geleë is opdrag gee om skriftelik kommentaar te lewer.
- (2) 'n Wyksraadslid wat 'n opdrag ontvang soos bedoel in subartikel 1(b) moet binne 7 dae –
 - (a) 'n vergadering van die wykskomitee byeenroep ten einde die wykskomiteeledede se insette te bekom met betrekking tot die aansoek wat die aansoeker tot die Drankraad gerig het;
 - (b) 'n beraadslagende vergadering byeenroep met die lede van die gemeenskap wat woonagtig is binne 'n radius van 100 meter van die perseel wat registrasie nastreef ten einde hul standpunte ten opsigte van die aansoek wat deur die aansoeker by die Drankraad ingedien is te bekom;
 - (c) 'n verslag saamstel en by die munisipaliteit indien wat die datums aandui waarop die vergaderings soos bedoel in subartikels 2(a) en (b) gehou is sowel as die tyd van die vergaderings en die name en adresse van die mense wat die vergaderings bygewoon het en of hulle die aansoek steun of teenstaan en of hulle enige bykomende voorwaardes, indien enige, voorstel; en
 - (d) die notule van die vergaderings soos bedoel in subartikels 2(a) en (b) aanheg.
- (3) Die munisipaliteit moet binne 7 dae na ontvangs van die wyksraadslid se verslag sodanige verslag oorweeg en die dokumente soos bedoel in artikel 40 van die Wet by die Drankraad indien.
- (4) Ten einde 'n verslag soos bedoel in subartikel (3) te oorweeg mag 'n amptenaar enige ondersoek doen of enige dokumentasie versoek wat hy of sy nodig vind, en sy of haar bevindings moet aan die munisipaliteit voorgelê word.

5. Handelsure en dae waarop handel gedryf mag word

- (1) Die handelsure en dae waarop handel gedryf mag word van die verskillende tipes lisensies, soos gelys in kolom 1 van die skedule, is deur die munisipaliteit bepaal soos aangedui in kolom 2 van die skedule en mag, onderworpe aan artikel 4, van tyd tot tyd deur die munisipaliteit hersien word.
- (2) Geen lisensiehouer mag drank verkoop van enige perseel soos gelys in kolom 1 van die skedule op enige tyd en dag anders as dit wat in kolom 2 van die skedule aangedui word nie.
- (3) 'n Lisensiehouer wat subartikel (2) oortree pleeg 'n misdryf.

6. Middellike aanspreeklikheid

- (1) Indien die bestuurder, agent of werknemer van 'n lisensiehouer drank verkoop in stryd met artikel 5(2) van hierdie verordening, word die lisensiehouer geag die verkoper van die drank te wees behalwe waar –
 - (a) die lisensiehouer nie saamgesweer het of toegelaat het dat sodanige verkoop plaasvind nie;
 - (b) die lisensiehouer redelike stappe geneem het om sodanige verkoop te verhoed; en
 - (c) die verkoop van die drank nie binne die omvang van dienste of bevoegdhede van die bestuurder, agent of werknemer val nie.
- (2) Die feit dat 'n lisensiehouer opdrag gegee het dat verkope nie buite die toegelate ure gedoen mag word nie is nie op sigself voldoende bewys dat hy of sy die stappe geneem het wat in subartikel (1)(b) vereis word nie.
- (3) Waar 'n lisensiehouer aanspreeklik is ingevolge subartikel (1) is die bestuurder, agent of werknemer ook aanspreeklik asof hy of sy die lisensiehouer is.

7. Appèl

Iemand wie se regte geraak word deur 'n besluit van die munisipaliteit mag ingevolge Artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 200 (Wet 32 van 2000) teen die besluit appèl aanteken by wyse van skriftelike kennisgewing van die appèl en die redes daarvoor aan die Munisipale Bestuurder binne 21 dae van die datum van kennisgewing van die besluit.

8. Strawwe

Iemand wat 'n misdryf ingevolge hierdie verordening begaan het, is by skuldigbevinding aanspreeklik vir 'n boete of, indien die boete nie betaal word nie, gevangenisstraf of sodanige gevangenisstraf sonder die opsie van 'n boete, of sowel die boete as sodanige gevangenisstraf en, in die geval van 'n opeenvolgende of volgehoue misdryf, vir 'n boete vir elke dag waarop sodanige misdryf voortduur, of indien die boete nie betaal word nie, tot bykomende gevangenisstraf.

9. Kort titel en inwerkingtrede

Hierdie verordening word die Beaufort Wes Drankhandelsure Verordening genoem en tree in werking op die datum van die publikasie daarvan in die Provinsiale Koerant.

Munisipale Kantore
Donkinstraat 112
BEAUFORT-WES
6970

J. Booyen
MUNISIPALE BESTURDER

[1/1/5/1; 1/1/5/3] - 28.11.2014

SKEDULE 1
(Artikel 5(1))

KOLOM 1	KOLOM 2
TIPE LISENSIE	HANDELSURE
Lisensie in terme van Artikel 33(a) van die Wet vir mikro-vervaardiging en verkoop van drank vir verbruik beide op en van die perseel. <i>(kelders, wynmakers, tuisdistillering)</i>	Vir verbruik op die perseel: 11:00-18:00 Maandag-Sondag Vir verbruik van die perseel af: 09:00-18:00 Maandag - Sondag
Lisensie in terme van Artikel 33 (b) van die Wet vir die verkoop van drank vir verbruik op die perseel waar drank verkoop word. <i>(restaurant, sportklub, potspelklub, kroeg, sportkroeg, diskoteek, jazz klub, geselskapsagentskap, puben grub, tavern)</i> <i>(Nagklub)</i> <i>(Hotel, casino)</i>	11:00-04:00 Maandag - Saterdag 11:00-23:00 Sondag 24 ure elke dag
Lisensie in terme van Artikel 33 (c) van die Wet vir die verkoop van drank vir verbruik van die perseel waar drank verkoop word. <i>(Drankwinkel, kleinhandel voedselwinkel, groothandelaar, buiteverkope, boeties)</i>	09:00-20:00 Maandag - Saterdag 09:00-16:00 Sondag, onderhewig daaraan dat die dranklisensie toelaat dat die houer daarvan, drank op Sondag mag verkoop
Lisensie in terme van Artikel 33 (d) van die Wet vir die verkoop van drank vir verbruik op en van die perseel waar drank verkoop word <i>(Buitengewone omstandighede)</i>	Vir verbruik op die perseel: 11:00-24:00 Maandag-Donderdag 11:00-02:00 Vrydag-Saterdag 11:00-22:00 Sondag Vir verbruik van die perseel: 09:00-18:00 Maandag-Saterdag 09:00 -16:00 Sondag
Lisensie in terme van Artikel 33 (e) van die Wet vir die verkoop van drank vir verbruik op en van die perseel waar drank verkoop word by 'n spesiale geleentheid . <i>(Konsert, fees, sport- en vermaak geleentheid)</i>	Vir verbruik op die perseel: 11:00-23:00 Maandag-Donderdag 11:00-24:00 Vrydag-Saterdag 11:00-22:00 Sondag
'n Tydlike lisensie in terme van Artikel 33(f) van die Wet vir die verkoop en verbruik van drank op of van die perseel. <i>(Tydlike hangende goedkeuring van die aansoek – Sien artikel 48(1) van die Wet)</i>	Die ure sal dieselfde wees as dié wat in hierdie skedule vervat is, afhange van die tipe lisensie waarvoor aansoek gedoen is.

**LAINGSBURG MUNICIPALITY
LIQUOR TRADING HOURS BY-LAWS**

Under the provisions of section 156 of the Constitution of the republic of South Africa, 1996, section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and section 59(2) of the Western Cape Liquor Act, 2008 (Act 4 of 2008), the Laingsburg Municipality, enacts as follows:-

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1. Definitions

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

"**Act**" means the Western Cape Liquor Act, 2008 (Act 4 of 2008);

"**hotel**" means premises wherein or whereon the business of supplying lodging and meals is conducted or is intended to be conducted, and includes a motel, inn, bed and breakfast concern, caravan and camping park, guest-house, a lodge and a house boat;

"**licensee**" means the person to whom a licence has been issued in terms of section 46 or transferred in terms of section 65 or who is deemed to be a licensee in terms of section 89 of the Act;

"**Liquor Board**" means the Western Cape Liquor Board established in terms of section 2 of the Act;

"**municipality**" means the Laingsburg Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

"**official**" means any person authorised by Municipality to perform the function of an officer under this By-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

"**premises**" includes any place, land, building or conveyance or any part thereof which is registered or which is seeking to be registered to trade in liquor;

"**registered premises**" means premises on or from which a licensee conducts his or her business;

"**sell**" includes supply, exchange, offer for sale, display for the purposes of sale or authorise to sell, direct to sell, or to allow a sale;

"**selling hours**" means the time during which a licensee is allowed to sell liquor in terms of Schedule 1;

"**ward committee**" means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

2. Purpose of By-law

The municipality, acting in terms of the powers granted to it in the Act, adopts this By-law with the aim of regulating the hours during which liquor may be sold and matters related thereto.

3. Application of By-law

This By-law applies to all premises, situated within the area of jurisdiction of the municipality, on which a business in the trading of liquor is carried on or intended to be carried on.

4. Public participation and duties of municipality

(1) Upon receipt of a copy of the application to sell liquor from the designated liquor officer as contemplated in section 37(4) of the Act, and in order to comply with the requirements of section 40 of the Act, the municipality must –

- (a) allow the public to have access to the application by posting a copy of the application on all municipal notice boards; and
- (c) make available copies of such application when requested by a member of the public against payment of a fee as determined by the municipality from time to time; and
- (b) subject to subsection (2), instruct the ward councillor in whose ward the proposed premises is situated to submit written comments.

(2) The ward councillor who receives an instruction as contemplated in subsection (1)(b) must, within 7 days, –

- (a) convene a ward committee meeting to solicit the ward committee members' views with regard to the application that the applicant lodged with the Liquor Board:

- (b) convene a consultative meeting with members of the community of the area within a radius of 100 metres of the premises that are sought to be registered to discuss and solicit their views with regard to the application that the applicant lodged with the Liquor Board;
 - (c) compile and submit a report to the municipality stipulating the date of the meetings referred to in subsections (2)(a) and (b), the time of the meetings, the names and the addresses of the people who attended, indicate whether he or she objects to or recommends the application and what additional conditions he or she proposes, if any; and
 - (d) attach the minutes of the meetings referred to in subsections (2)(a) and (b).
- (3) The municipality must, within 7 days, of receipt of the ward councillors report consider such report and submit to the Board, within the prescribed period, the documents as contemplated in section 40 of the Act.
- (4) For the purpose of considering a report as contemplated in subsection (3), an official may undertake such investigation or request such information as he or she may deem necessary for consideration by the municipality, and must submit his or her findings to the municipality.

5. Hours and days of trading

- (1) The trading hours and days, of the different kinds of licences, as listed in column 1 of the Schedule, have been determined by the municipality as listed in column 2 of the Schedule and may, subject to section 4, be reviewed by the municipality from time to time.
- (2) No licensee may sell liquor from any of the premises listed in column 1 of the Schedule to a person at a time or day other than those listed in columns 2 and 3 of the Schedule.
- (3) A licensee who contravenes subsection (2) commits an offence.

6. Vicarious responsibility

- (1) If the manager, agent or employee of a licensee sells liquor in contravention of section 5(2) of this by-law, the licensee is deemed to have sold such liquor, except where -
- (a) the licensee neither connived at, permitted or allowed such sale;
 - (b) the licensee took such steps as he or she was reasonably able to take in order to prevent the sale; and
 - (c) the sale did not fall within the scope of the employment or authority of the manager, agent or employee.
- (2) The fact that a licensee has issued instructions prohibiting such sale is not in itself sufficient to prove that he or she took the steps required by subsection (1)(b).
- (3) When a licensee is liable in terms of subsection (1) the manager, agent or employee is also liable as if he or she was the licensee.

7. Appeal

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

8. Penalties

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

9. Short title and commencement

This By-law may be cited as Laingsburg Liquor Trading Hours By-laws, and come into force upon publication in the Provincial Gazette.

SCHEDULE 1
(Section 5(1))

COLUMN 1	COLUMN 2
TYPE OF LICENCE	TRADING HOURS
Licence in terms of Section 33(a) of the Act for micro-manufacturing and sale of liquor for consumption both on and off the premises. <i>(cellars, wine makers, home distillers)</i>	For consumption on the premises: 11:00-18:00 Monday-Sunday For consumption off the premises: 09:00-18:00 Monday-Sunday
Licence in terms of Section 33(b) of the Act for the sale of liquor for consumption on the premises where liquor is sold. <i>(restaurant, sports club, pool bar, pub, sports bar, discotheque, jazz club, escort agency, pub and grub, tavern)</i> <i>(Night club)</i> <i>(Hotel, casino)</i>	11:00-02:00 Monday – Saturday 11:00-23:00 Sunday 24 hours every day
Licence in terms of Section 33(c) of the Act for the retail sale of liquor for consumption off the premises where liquor is sold. <i>(Bottle store, retail food store, wholesaler, off-sales, boutiques)</i>	09:00-20:00 Monday- Friday 09:00-18:00 Saturday Sunday – closed Public Holidays - closed
Licence in terms of Section 33(d) of the Act for the sale of liquor for consumption on and off the premises where liquor is sold. <i>(Exceptional circumstances)</i>	For consumption on the premises: 11:00-24:00 Monday-Thursday 11:00-02:00 Friday-Saturday 11:00-22:00 Sunday For consumption off the premises: 09:00-18:00 Monday-Saturday 09:00 -16:00 Sunday
Licence in terms of Section 33(e) of the Act for the sale and consumption of liquor on and off the premises at a special event . <i>(Concert, festival, sporting event, and entertainment event)</i>	For consumption on the premises: 11:00 – 23:00 Monday – Thursday 11:00 – 24:00 Friday – Saturday 11:00 – 20:00 Sunday
A temporary licence in terms of Section 33(f) of the Act for the sale and consumption of liquor on or off the premises. <i>(Temporary pending approval of application – See section 48(1) of the Act)</i>	The hours will be the same as contained in this schedule depending on the type of licence applied for.

**WITZENBERG MUNICIPALITY
IMPOUNDMENT OF ANIMALS DRAFT BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Witzenberg Municipality, enacts as follows for application within the District Management Area established in terms of section 6 of the Local Government: Municipal Structures Act, Act 117 of 1998 :

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 27. Schedule 1 and 2 form part of this by law
 28. Short titles and commencements
- Schedule 1: Code of good practice
Schedule 2: Pound register information

1. Definitions

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

"**animal**" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"**cattle**" means bulls, cows, oxen, heifers, steers and calves;

"**goat**" means an adult male or female goat, a wether and a kid;

"**horse**" means a stallion, mare, gelding, colt, filly, donkey and mule;

"**municipality**" means the Witzenberg Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"**occupier**" means any person in actual occupation of land or entitled as owner to occupy land;

"**owner**", in relation to an animal, includes any person having possession, charge, custody or control of such animal;

"**pound**" means a fenced-off area consisting of one or more camps, established by the municipality and placed under the control of a pound master, for the housing and care of animals which are astray, lost or at large;

"**pound master**" means a person who may be –

(a) a part-time or full-time employee of a municipality, or

(b) appointed under a service delivery agreement to keep and operate a pound;

"**proprietor**" means any owner, lessee, or occupier of land;

"**sheep**" means a ram, an ewe, a wether and a lamb;

"**stallion**" means a male horse, donkey or mule not castrated or partially castrated;

"**veterinary surgeon**" means a person who is qualified as such in accordance with the provisions of the Veterinary and Para-Veterinary Professions Act, 1982 (Act 19 of 1982).

"**public place**" means any place to which the public has access, including, without limiting the foregoing, any-

(a) Square

(b) Park

(c) Recreation area

(d) Sports ground

(e) Open space

(f) Beach

(g) Shopping centre on municipal land

(h) Unused or vacant municipal land; or

(i) Cemetery;

2. Purpose of by-law

The purpose of this by-law is to provide facilities for the housing and care of animals which are astray, lost or at large and for procedures, methods and practices to manage the impoundment of such animals.

3. Establishment of pound

- (a) The municipality may establish a pound at any convenient place within its area of jurisdiction, provided that the Municipality may enter into service delivery agreement with an institution or person mentioned in section 76(b) of the local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), to provide for the establishment and operation of a pound to service its area of jurisdiction.

- (b) The Municipality must give notice of the establishment of a pound by publishing a notice in at least two news papers circulating in the area of jurisdiction of the Municipality.

4. Pound to which animals are to be sent

Any person upon whose land an abandoned, lost or stray animal is found, may deliver such animal to the nearest pound or such other pound designated by the municipality.

5. Receiving and treatment of animals by pound master

- (1) It is the duty of every pound master to receive into his or her charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.
- (2) Any pound master who unreasonably refuses or fails to receive animals brought to his or her pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.
- (3) The pound master –
 - (a) is responsible for the proper care of all impounded animals;
 - (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
 - (c) is liable to the owner of an impounded animal for any damage caused by his or her willful or negligent acts or omissions.
- (4) A person who catches an animal for the purpose of impounding it under subsections (1) and (2), may not keep the animal for more than six continuous hours without adequate food and water.
- (5) Any pound master who fails to comply with the requirements of subsection (3) commits an offence.

6. Receipt for impounded animals

A pound master must give the person delivering an animal into his or her charge a written receipt, indicating the number and description of animals so delivered.

7. Number of enclosures

The municipality must maintain in good repair and, as far as possible, free from all infection, separate enclosures for-

- (a) ostriches and horses;
- (b) cattle;
- (c) sheep, goats and pigs;
- (d) dogs; and
- (e) cats,

provided that the municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

8. Destruction of dangerous or contagious animals

- (1) Whenever a pound master is of the opinion that any animal is so diseased or severely injured or in such a physical condition that it ought to be destroyed, he shall, if the owner be absent or refuses to consent to the destruction of the animal, at once summon a veterinarian or, if there is no veterinarian within a reasonable distance, two adult persons whom he considers to be reliable and of sound judgment, and if such veterinarian or adult persons after having duly examined such an animal certify that the animal is so diseased or so severely injured or in such physical condition that it would be cruel to keep it alive, such poundmaster may request a police officer, without the consent of the owner, destroy the animal or cause it to be destroyed with such instruments or appliances and with such precautions and in such manner as to inflict as little suffering as practicable.
- (2) If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals.

9. Notice of impounded animals

- (1) A pound master who knows the name of the owner of an animal impounded in his or her pound must forthwith give written notice to such owner that the said animal has been impounded.
- (2) If any animal, bearing an identification mark as contemplated in the Animal Identification Act, 6 of 2002, is impounded, the pound master must follow the procedures set out in section 14 of the Animal Identification Regulations promulgated under GN R1683 dated 21 November 2003.
- (3) Where the owner of an impounded animal is not known to the pound master, or he or she must upon receipt of such animal report the impoundment to the nearest South African Police Services office.

10. Keeping of pound register

- (1) A pound master must keep a pound register with the following particulars:
 - (a) the date when, and the cause for which, all animals received by him are impounded;
 - (b) the number and description of such animals;
 - (c) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
 - (d) the date and particulars of the release or sale of the animals, as the case may be; and
 - (e) any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.

- (3) In case of the death or injury of any impounded animal, the pound master must enter in his pound register a description of such animal, the cause of its death or injury.
- (4) In the case of the destruction of an animal in terms of section 8, the pound master must enter in his pound register a description of such animal, the cause of its death or injury and the names and addresses of the veterinarian or two adult persons who certified that the animal is so diseased or so severely injured or in such physical condition that it would be cruel to keep it alive

11. Inspection of and extracts from pound register

A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorised officer of the municipality, veterinary surgeon, any member of the police service or the public.

12. Submission of pound register entries after pound sales

A pound master must, within 14 days after the date of each pound sale, submit to the municipality a copy of all entries in his or her pound register made since the date of the preceding submission, and the municipality must preserve all such copies for inspection by any person desirous of seeing them.

13. Inspection of pound register at place of sale

Whenever a sale of impounded animals is to take place, the pound master or a person authorised to conduct the sale, must keep the pound register at the place of sale, and such register must be open for inspection, free of charge, to all persons desirous of inspecting it.

14. Pound master's fees

- (1) The municipality may fix fees for the keeping of animals in a pound and may distinguish between different kinds of animals.
- (2) Every pound master is entitled to claim the fees determined by the municipality in terms of subsection (1) for every animal impounded by him or her in terms of this by-law.

15. Fees payable

- (1) The fees determined in terms of section 14 must be paid to the pound master by the owner of the animals impounded.
- (2) The impounded animals may be detained by the pound master in security of payment of the fees and any costs which the pound master may have incurred, provided that if the value of the animals impounded is in excess of the total amount due thereon, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.

- (3) A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him or her on account of such retention.
- (4) If the pound master is an official of the municipality, he must pay the fees received by him or her in terms of this by-law into the revenue of the municipality, the frequency of which will be determined by the department responsible for finance.
- (5) No pound master may release any impounded animal until the prescribed fees have been paid to him or her.

16. Notice of sale

- (1) Every pound master must –
 - (a) whenever any impounded animal has not been released within six days from the date of its impoundment, notify the municipality that such animal will be sold by public auction and the date, time and place of such auction;
 - (b) provide the municipality with detail regarding the species, colour, marks and distinguishing features of such animal;
 - (c) post a copy of the notice at a noticable place at the pound, there to remain until the day of the sale; and
 - (d) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated, a notice of the sale.
- (2) The cost of a notice in terms of subsection (1)(a) is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal.
- (3) If the said proceeds are less than the amount due, and the owner of the animal sold is unknown, the municipality shall make good the deficiency.

17. Auctioneer

- (1) Every sale of impounded stock must –
 - (a) be conducted by the pound master or some other person duly authorised thereto by the municipality; and
 - (b) commence at the time and date mentioned in the notice in terms of section 16(a).
- (2) No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him or her.

18. Sale of animals

At every such sale-

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may not be sold together in the same lot;

- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other costs incurred must be handed by the pound master to the municipality, to be paid to the owners of the animals sold; provided that -
 - (i) if in any particular case the sale does not realise sufficient to cover the pound fees due, the proceeds must be first utilised for payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the municipality;
 - (ii) any money, being the proceeds of the sale of any impounded animal, not being claimed by the owner of such animal within twelve months from the date of sale, accrues to the municipality;
- (e) the municipality may fix a reserve price for any animal offered for sale; and
- (f) the auctioneer may withdraw any animal from the sale if the highest bid received is not satisfactory, irrespective of whether a reserve price has been fixed by the municipality.

19. Illegal impounding and penalties

Any person who illegally impounds any animal commits an offence.

20. Recovery of loss in respect of impoundment of animals from area of another municipality

Any loss suffered by the municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered from such other municipality.

21. Use, detention and ill-treatment of animals

No person may furiously drive or ill-treat any animal found trespassing.

22. Appeal

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

23. Offences and penalties

Any person who -

- (a) contravenes or fails to comply with a provision of this by-law;
- (b) deliberately obstructs or interferes with any person in the exercise of any power or the performance of any duty or function in terms of this by-law; or
- (c) furnishes false, incorrect or misleading information,
- (d) release an animal that was lawfully seized for the purpose of being impounded which has been lawfully impounded;
- (e) unlawfully seizes an animal for the purpose of impounding it
- (f) unlawfully impounds an animal;

commits an offence and is liable upon conviction to –

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

24. Revocation of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

25. Procedures to be followed in application to court

An application to Court for—

- (a) the impoundment of an animal in terms of this by-law, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and
- (b) the sale of an impounded animal in terms of this by-law, must comply with the procedure contemplated in section 66 of the Magistrate Court Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court,

made by the Rules of Board for Courts of Law in terms of section 6 of the Rules Board for Courts Act, 1985 (Act No. 107 of 1985), and published under the Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

26. Indemnity

The Municipality, pound keeper and any officer, employee, or agent of the Municipality will not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

27. Schedules 1 and 2 form part of this by-law

Schedule 1 and 2 to this by – law form part of this by-law for all purposes

28. Short title and commencement

This by-law will be called the By-law to Impoundment of Animals and it will come to effect upon publication in the Provincial Gazette.

SCHEDULE 1

Code of Good Practice on the Handling and Transportation of Impounded Animals

(Section 5(4))

PART I: Paddock requirements

1. Different species of animals must be kept in separate paddocks.
2. Animals may not be penned in overcrowded paddocks, and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1,5 square meters of floor area for each animal.
3. Fractious animals may not be kept with other animals.
4. Young, weaned juvenile animals, may not be penned with adult animals, except in the case of mother and offspring.
5. Provision must be made in paddocks for-
 - (a) Facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor, and which can be serviced without disturbing the animals;
 - (b) Water troughs with an adequate supply of suitable fresh water at all times
 - (c) Sufficient facilities for the adequate cleaning of paddocks; and
 - (d) Facilities for the safe handling of animals.
6.
 - (a) The paddocks must at all times be maintained in a good state of repair
 - (b) Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
7. The floor of the entire paddock, including the off-loading banks, races, and passages, must be constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

PART II: Handling of animals

8. Animals must at all times be handled humanely and with patience and tolerance.
9. The following must be kept in mind when handling animals---
 - (a) Animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
 - (b) Herd animals respond more readily to being driven when in a group rather than singly.
10. Animals may not be dragged by their legs, or carried by their head, ears or tail
11. Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck, and walked in the required direction at an appropriate and comfortable place.
12. Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
13. Electric prodders, sticks or goads may not be used on young calves
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III: Movement of animals

15. Animals driven on the hoof must at all times be under proper and competent supervision.
16. Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal, and not faster than the pace of the slowest animal.
17. Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.
18. No animal on the hoof may be moved in excess of the following distances---
 - (a) During a journey of not more than one day's duration—
 - i. 20 kilometers for sheep and goats; and
 - ii. 30 kilometers during the first day and 20 kilometers during each subsequent day for cattle and;--
 - (b) During a journey of more than one day's duration—
 - i. 20 kilometers during the first day and 15 kilometers during each subsequent day for sheep and goats; and
 - ii. 25 kilometers during the first day and 20 kilometers during each subsequent day for cattle
19. Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.
20. Animals may not be moved in the dark
21. No sick, injured or disabled animal may be moved on the hoof.

PART IV: Vehicles used in transporting animals

22. Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in hoofed and in a roadworthy condition.
23. All vehicles and all trailers referred to in item 22 must have—
 - (a) a suitable non-slip floor which may not be impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
 - (b) Adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
 - (c) Adequate protection from exhaust gasses, as exposure to exhaust fumes could interfere with the animals respiration or cause distress;
 - (d) Sidewalls high enough to prevent animals from escaping or falling out of the vehicle: provided that--
 - i. The sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
 - ii. In the case of cattle other than calves, the minimum height must be 1 800 millimeters; and
 - iii. The minimum height must be 750 millimeters in the case of any smaller animals
 - (e) In multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1000 millimeters, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;

- (f) Floors that are solid and impervious;
 - (g) Loading and off-loading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimeters; and
 - (h) Gates, with or without partitions---
 - i. Of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
 - ii. That open and close freely and are able to be well structured.
24. The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is—
- (a) 1,4 square meters per large animal; and
 - (b) 0,5 square meter per small animal.

PART V: Watering and feeding of live animals prior to loading

25. Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

PART VI: Loading and off-loading procedure

26. Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
27. No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
28. No animals may be loaded or off-loaded otherwise than—
- (a) By means of a ramp with non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
 - (b) At a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimeters below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.
29. Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is not steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimeters.
30. Ramps must be correctly adjusted to the exact height of the vehicle's floor
31. Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
32. Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.
33. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals
34. Adult horn cattle may not be transported with polled cattle and they must also be penned separately.
35. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto the vehicle.

36. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
37. In the event of—
- (a) A breakdown of the transport vehicle;
 - (b) A accident or collision in which the transport vehicle is involved; or
 - (c) Injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from—
 - i. In the case of paragraph (a), a breakdown service;
 - ii. In the case of paragraph (b), the South African Police and the Traffic Authorities; or
 - iii. In the case of paragraph (c), a veterinarian.

PART VII: Restraining of animals during transportation

38. Where the transport of any animal ma cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury
39. No animals may be kept in restraint for more than 4 hours in any 24 hour period.
40. No wire or bailing twine may be used for tying the animal's legs or feet
41. To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortable in a natural position with its head upright

SCHEDULE 2
Pound register information
(Section 12)

A pound register must, at least, contain the following information---

1. Name of pound
2. Date of receipt of animal
3. Number and description of animals
4. Brands or markings on animal
5. Ear tag number assigned by the pound keeper
6. Name and address of person who seized the animal
7. Name and address of the person who delivered the animal to the pound
8. Name and the address of the owner of land where animal was seized
9. Name and the address of the owner of the animal
10. Name and address or description of place where animal was found
11. Distance between place where animal was seized and pound
12. Particulars of damage caused by the animal
13. Transport fees payable
14. Details of destruction or disposal of animal
15. Cause of death or injury of impounded animal
16. Description and amount of pound fees
17. Damages awarded by court
18. Date of release of animal
19. Date of sale of animal
20. Proceeds of sale of animal
21. Name and address of purchaser
22. Excess amount (if any) paid to owner or municipality
23. Receipt number
24. Details of Order of Court with regard to animal not sold in execution

WITZENBERG MUNISIPALITEIT
KONSEP VERORDENING INSAKE DIE SKUT VAN DIERE

Ingevolge die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, verorden die Witzenberg Munisipaliteit die volgende vir toepassing binne die distriksbestuursgebied ingestel kragtens artikel 6 van die Wet op Plaaslike Regering: Munisipale Strukture (Wet 117 van 1998):

Inhoudsopgawe

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 4. Skut waarheen diere gestuur moet word
 5. Ontvangs en behandeling van diere deur skutmeester
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 23. Misdrywe en straf
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 25. Prosedure met die bring van hofaansoeke
 26. Vrywaring
 27. Bylae 1 en 2 vorm deel van hierdie verordening
 28. Kort titel en inwerkingtreding
- Bylae 1: Kode van goeie praktyk
Bylae 2: Skutregisterinligting

1. Definisies

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

“**dier**” ’n lid van die perdefamilie, ’n bees, skaap, bok, vark, hoender, volstruis, hond, kat of ander huisdier of voël of ’n wilde dier, wilde voël of reptiel wat in gevangenskap verkeer of onder iemand se beheer is;

“**bees**” ’n bul, koei, os, vers, tollie en kalf;

“**bok**” ’n ram, ooi, kapater en lam;

“**perd**” ’n hings, merrie, reunperd, hingsvul, merrievul, donkie en muil;

“**munisipaliteit**” die Witzenberg Munisipaliteit ingestel kragtens artikel 12 van die Wet op Munisipale Strukture (Wet 117 van 1998) en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van ’n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

“**okkupeerder**” ’n persoon wat werklik grond okkupeer, of wat as eienaar geregtig is om grond te okkupeer;

“**eienaar**” met betrekking tot ’n dier, enige iemand wat in besit is van of belas is met die sorg, bewaring of beheer van ’n dier;

“**skut**” ’n afgeslote area bestaande uit een of meer kampe, wat deur die munisipaliteit geskep en onder die beheer van ’n skutmeester geplaas is vir die huisvesting en versorging van afgedwaalde, verdwaalde, verlore of loslopende diere;

“**skutmeester**” ’n persoon wat of –

(a) ’n deeltydse of voltydse werknemer van ’n munisipaliteit is; of

(b) kragtens ’n diensleweringsooreenkoms aangestel word om ’n skut aan te hou en te bedryf;

“**grondeienaar**” ’n eienaar, huurder of okkupeerder van grond;

“**skaap**” ’n ram, ooi, hamel en lam;

“**hings**” ’n perd, donkie- of muilhings wat nie gekastreer is nie of wat gedeeltelik gekastreer is;

“**veearts**” ’n persoon wat as sodanig gekwalifiseer is ooreenkomstig die bepalings van die Wet op Veterinêre en Para-Veterinêre Beroepe, 1982 (Wet 19 van 1982);

“**openbare plek**” enige plek waartoe die publiek toegang het, insluitend en sonder beperking van die voorafgaande, enige –

(a) Plein

(b) Park

(c) Ontspanningsgebied

(d) Sportterrein

(e) Oop ruimte

(f) Strand

(g) Winkelsentrum op munisipale grond

(h) Ongebruikte of onbeboude munisipale grond

(i) Begraafplaas

2. Doel van verordening

Die doel van hierdie verordening is om voorsiening te maak vir fasiliteite vir die huisvesting en versorging van diere wat afgedwaal, verlore of loslopend is en vir prosedures, metodes en praktyke om die skutting van diere te reguleer.

3. Vestiging van skut

(a) Die munisipaliteit kan 'n skut op enige gerieflike plek binne sy regsgebied vestig, met dien verstande dat die munisipaliteit 'n diensleweringsooreenkoms kan aangaan met 'n instelling of persoon bedoel in artikel 76(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) ten einde voorsiening te maak vir die vestiging en bedryf van 'n skut om sy hele regsgebied te bedien.

(b) Die munisipaliteit moet in ten minste twee koerante wat binne die munisipaliteit se regsgebied sirkuleer, 'n kennisgewing plaas van sy voorneme om 'n skut te vestig.

4. Skut waarheen diere gestuur moet word

Enige persoon op wie se grond 'n verlate, verlore of loslopende dier gevind word, kan sodanige dier na die naaste skut toe neem, of sodanige ander skut wat deur die munisipaliteit aangewys is.

5. Ontvangs en behandeling van diere deur skutmeester

- (1) Dit is die plig van elke skutmeester om alle diere wat gedurende die ure soos deur die munisipaliteit vasgestel na sy of haar skut gebring word, onder sy of haar sorg te neem.
- (2) Enige skutmeester wat onredelik weier of versuim om diere te ontvang wat soos voornoem na sy of haar skut gebring word, is skuldig aan 'n misdryf, en is bykomend aanspreeklik vir enige skade wat die eienaar van genoemde diere of enige ander persoon ly weens sodanige weiering of versuim.
- (3) Die skutmeester –
 - (a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;
 - (b) moet verseker dat vars water en voldoende voedsel te alle tye vir geskutte diere beskikbaar is; en
 - (c) is aanspreeklik teenoor die eienaars van geskutte diere vir enige skade aan diere berokken as gevolg van sy of haar opsetlike of nalatige optrede of versuim.
- (4) 'n Persoon wat 'n dier vang met die doel om dit ingevolge subartikel (1) en (2) te skut, mag nie die dier vir meer as ses opeenvolgende ure sonder voldoende kos en water hou nie.
- (5) 'n Skutmeester wat versuim om aan die vereistes van subartikel (3) te voldoen, is skuldig aan 'n misdryf.

6. Ontvangsbewys vir geskutte diere

'n Skutmeester moet aan die persoon wat diere onder sy of haar sorg laat, 'n skriftelike ontvangsbewys gee waarin die getal en beskrywing van die diere aldus in sy sorg gelaat, uiteengesit word.

7. Getal kampe

Die munisipaliteit moet afsonderlike kampe in 'n goeie toestand en sover moontlik vry van alle besmetting in stand hou vir –

- (a) volstruise en perde;
- (b) beeste;
- (c) skape, bokke en varke;
- (d) honde; en
- (e) katte;

met dien verstande dat die munisipaliteit ten opsigte van enige skut in sy gebied verlot aan die skutmeester kan gee om 'n kleiner getal kampe daarop in stand te hou.

8. Afmaak van gevaarlike of aansteeklike diere

- (1) Wanneer 'n skutmeester van mening is dat enige dier so siek of ernstig beseer of in sodanige fisiese toestand is dat dit afgemaak behoort te word, moet hy, indien die eienaar afwesig is of weier om toe te stem tot die afmaking van die dier, onmiddellik 'n veearts ontbied of, indien daar geen veearts binne 'n redelike afstand is nie, twee volwasse persone wat hy as betroubaar en van goeie oordeel beskou, en indien sodanige veearts of volwasse persone, na behoorlike ondersoek van so 'n dier, sertifiseer dat die dier so siek of so erg beseer of in sodanige fisiese toestand is dat dit wreed is om dit aan die lewe te hou, kan daardie skutmeester 'n polisiebeampte versoek, sonder die toestemming van die eienaar, om die dier af te maak of te laat afmaak met sodanige instrumente of toestelle en met sodanige voorsorgmaatreëls en op so 'n wyse wat so min lyding as moontlik sal veroorsaak.
- (2) Indien enige dier wat aan 'n aansteeklike siekte ly, na die skut gebring word of besmet raak terwyl dit in die skut is, moet daardie dier afsonderlik van die ander geskutte diere gehou word.

9. Kennisgewing van geskutte diere

- (1) 'n Skutmeester wat bekend is met die naam van die eienaar van 'n dier wat in sy of haar skut is, moet sonder versuim skriftelike kennis aan sodanige eienaar gee dat genoemde dier geskut is.
- (2) Indien enige dier met 'n identifiserende merk soos beoog in die Wet op die Identifisering van Diere (Wet 6 van 2002) geskut word, moet die skutmeester die prosedures volg soos uiteengesit in artikel 14 van die Regulasies oor die Identifisering van Diere uitgevaardig onder SK R1683 gedateer 21 November 2003.
- (3) Waar die eienaar van 'n geskutte dier nie aan die skutmeester bekend is nie, moet hy of sy by ontvangs van so 'n dier die skutting by die naaste kantoor van die Suid-Afrikaanse Polisie diens aanmeld.

10. Byhou van skutregister

- (1) 'n Skutmeester moet 'n skutregister hou waarin die volgende besonderhede aangeteken word:
 - (a) die datum waarop en die rede waarom alle diere wat deur hom of haar ontvang is, geskut is;
 - (b) die getal en beskrywing van sodanige diere;
 - (c) die naam en woonplek van die persoon wat sodanige diere skut, en die naam en woonplek van die eienaar of vermeende eienaar;
 - (d) die datum en besonderhede van die loslating of verkoop van die diere, na gelang van die geval; en
 - (e) alle ander sake wat die munisipaliteit hom of haar gelas om vas te stel en aan te teken.
- (2) Die inskrywings onder subartikel (1)(a), (b) en (c) moet gedoen word wanneer die diere geskut word en die inskrywings onder subartikel (1)(d) en (e) moet gedoen word sodra die skutmeester in besit kom van die nodige besonderhede; met dien verstande dat geen inskrywing gedoen mag word nadat 'n persoon 'n geskil aanhangig maak oor die besonderhede in (a) tot (e) nie.
- (3) In geval van die dood of besering van 'n geskutte dier, moet die skutmeester 'n beskrywing van sodanige dier en die oorsaak van die dood of besering daarvan in die skutregister aanteken.
- (4) In die geval van die afmaking van 'n dier ingevolge artikel 8, moet die skutmeester 'n inskrywing in sy skutregister doen met 'n beskrywing van sodanige dier, die oorsaak van dood of besering en die name en adresse van die veearts of twee volwasse persone wat gesertifiseer het dat die dier so siek of so ernstig beseer of in sodanige fisiese toestand is dat dit wreed sou wees om die dier aan die lewe te hou.

11. Insaë in en uittreksels uit skutregister

'n Skutregister moet by die skut of 'n ander goedgekeurde plek gehou word en moet op alle redelike tye kosteloos ter insaë wees van enige gemagtigde amptenaar van die munisipaliteit, veearts, enige lid van die polisiemag of van die publiek.

12. Voorlegging van skutregisterinskrywings na skutverkoop

'n Skutmeester moet binne veertien dae na die datum van elke skutverkoop 'n afskrif aan die munisipaliteit voorlê van alle inskrywings in sy of haar skutregister wat sedert die datum van die vorige voorlegging gedoen is. Die munisipaliteit moet al sodanige afskrifte bewaar ter insaë van enige persoon wat dit verlang.

13. Insaë in skutregister op plek van verkoping

Wanneer 'n verkoping van geskutte diere gehou gaan word, moet die skutmeester of 'n persoon wat gemagtig is om die verkoping waar te neem, die skutregister met hom saamneem na die plek van verkoping, en sodanige register moet op die plek van verkoping kosteloos ter insaë wees van alle persone wat dit verlang.

14. Skutmeestergelde

- (1) Die munisipaliteit kan gelde vasstel vir die aanhou van diere in 'n skut en kan tussen verskillende soorte diere onderskei.
- (2) Elke skutmeester is geregtig om die gelde wat deur die munisipaliteit ingevolge subartikel (1) vasgestel word, te eis ten opsigte van elke dier wat hy of sy ingevolge hierdie verordening skut.

15. Gelde betaalbaar

- (1) Die gelde wat ingevolge artikel 14 vasgestel word, moet aan die skutmeester deur die eienaar van die diere wat geskut is, betaal word.
- (2) Die geskutte diere kan deur die skutmeester aangehou word as waarborg vir die betaling van die gelde en enige koste wat die skutmeester moontlik aangegaan het, met dien verstande dat, indien die waarde van die diere wat geskut is meer is as die totale bedrag wat daarop verskuldig is, en indien die eienaar nie in staat is om genoemde bedrag te betaal nie, die skutmeester slegs soveel van genoemde diere moet aanhou as wat voldoende is om die totale bedrag verskuldig op al die diere te verkry, en die res van die diere aan genoemde eienaar moet afgee.
- (3) 'n Skutmeester wat 'n groter getal van sodanige diere aanhou as wat redelik nodig is om sodanige bedrag te verhaal, is teenoor die eienaar aanspreeklik vir skade wat deur hom of haar gely word weens die aanhou van sy diere.
- (4) Indien die skutmeester 'n amptenaar van die munisipaliteit is, moet hy of sy die gelde wat hy of sy ingevolge hierdie verordening ontvang, in die inkomste van die munisipaliteit stort, waarvan die gereeldheid deur die departement verantwoordelik vir finansies bepaal sal word.
- (5) Geen skutmeester mag 'n geskutte dier loslaat tensy die voorgeskrewe gelde aan hom of haar betaal is nie.

16. Kennisgewing van verkoping

- (1) Elke skutmeester moet –
 - (a) wanneer ook al 'n geskutte dier nie losgelaat is binne ses dae na die datum waarop dit geskut is nie, aan die munisipaliteit 'n kennisgewing stuur dat sodanige dier op 'n publieke veiling verkoop sal word, met die datum, tyd en plek van sodanige veiling;
 - (b) die munisipaliteit voorsien van besonderhede oor die spesie, kleur, merke en onderskeidende kenmerke van sodanige dier;
 - (c) 'n afskrif van die kennisgewing op 'n sigbare plek by die skut vertoon, wat daar moet bly tot die dag van die verkoping; en
 - (d) 'n kennisgewing van die verkoping publiseer in 'n nuusblad wat in die regsgebied van die munisipaliteit sirkuleer waar die skut geleë is.
- (2) Die koste van 'n kennisgewing ingevolge subartikel 1(a) is op die eienaar van die geskutte dier verhaalbaar en word geag deel uit te maak van die bedrag wat afgetrek moet word van die opbrengs van die verkoop van 'n dier.

- (3) Indien genoemde opbrengs minder is as die bedrag wat verskuldig is en die eienaar van die verkoopte dier onbekend is, sal die munisipaliteit die tekort goedmaak.

17. Afslaer

- (1) Elke verkoping van geskutte diere moet –
- (a) gelei word deur die skutmeester of 'n persoon wat behoorlik deur die betrokke munisipaliteit daartoe gemagtig is; en
 - (b) begin op die datum en tyd wat in die kennisgewing ingevolge artikel 16(a) aangedui word.
- (2) Geen persoon wat 'n skutverkoping waarneem, mag regstreeks of onregstreeks 'n belang hê by enige aankoop by 'n verkoping aldus deur hom of haar waargeneem nie.

18. Verkoop van diere

By elke sodanige verkoping –

- (a) mag geen dier te koop aangebied word nie tensy dit minstens twee weke geskut is;
- (b) moet alle diere, uitgesonder skape en bokke, stuksgewys verkoop word;
- (c) moet skape en bokke in troppe van hoogstens tien verkoop word en mag skape en bokke, of skape of bokke met verskillende merke of brandmerke nie saam in dieselfde trop verkoop word nie;
- (d) moet diere vir kontant verkoop word en moet die opbrengs, min die bedrag van skutgelde en ander koste aangegaan, deur die skutmeester aan die munisipaliteit oorhandig word om aan die eienaars van die verkoopte diere betaal te word, met dien verstande dat –
 - (i) indien in enige besondere geval die verkoping nie voldoende opbring om die bedrag van die skutgelde te dek nie, moet die opbrengs in die eerste instansie aangewend word om die verskuldigde vergoeding aan die skutmeester te betaal en indien genoemde opbrengs onvoldoende is om sodanige vergoeding te dek, moet die saldo van die vergoeding deur die munisipaliteit aan die skutmeester betaal word;
 - (ii) enige geld wat die opbrengs is van die verkoop van enige geskutte dier en nie binne twaalf maande vanaf die datum van verkoping deur die eienaar opgeëis word nie, val die munisipaliteit toe;
- (e) die munisipaliteit kan 'n reserweprys vasstel vir enige dier wat te koop aangebied word; en
- (f) die afslaer kan enige dier aan die verkoping onttrek as die hoogste bod wat ontvang word nie bevredigend is nie, ongeag of 'n reserweprys deur die munisipaliteit vasgestel is of nie.

19. Onwettige skut van diere en boetes

Enige persoon wat 'n dier onwettig skut, is skuldig aan 'n misdryf.

20. Verhaal van verlies ten opsigte van diere geskut uit gebied van ander plaaslike owerheid

Enige verlies wat die munisipaliteit ly ten gevolge van die skut van diere in 'n skut onder sy beheer en bestuur wat binne die regsgebied van 'n ander munisipaliteit oortree, kan op sodanige ander munisipaliteit verhaal word.

21. Gebruik, aanhouding en mishandeling van diere

Geen persoon mag 'n dier wat gevind word waar dit oortree, buitensporig vinnig aanjaag of dit mishandel nie.

22. Appèl

'n Persoon wie se regte deur 'n besluit van die munisipaliteit geraak word, kan appèl teen daardie besluit aanteken deur skriftelike kennisgewing van die appèl en die redes daarvoor ingevolge artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels (Wet 32 van 2000) aan die munisipale bestuurder te gee binne 21 dae vanaf die datum van die kennisgewing van die besluit.

23. Misdrywe en straf

Enige persoon wat –

- (a) 'n bepaling van hierdie verordening oortree of versuim om daaraan te voldoen;
 - (b) enige ander persoon in die uitoefening van enige bevoegdheid of die verrigting van enige plig of funksie ingevolge hierdie verordening opsetlik dwarsboom of belemmer;
 - (c) valse, onjuiste of misleidende inligting verstrek;
 - (d) 'n dier vrylaat wat wettiglik gevang is met die doel om dit te skut of wat wettiglik geskut is;
 - (e) onwettig 'n dier vang met die doel om dit te skut; of
 - (f) onwettig 'n dier skut;
- is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met –
- (i) 'n boete of tronkstraf, óf sodanige boete óf sodanige tronkstraf óf beide sodanige boete en sodanige tronkstraf; en
 - (ii) in die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van tronkstraf óf sodanige addisionele boete óf sodanige addisionele tronkstraf, óf beide sodanige addisionele boete en tronkstraf vir elke dag wat sodanige misdryf voortduur; en
 - (iii) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit as gevolg van sodanige oortreding of versuim aangegaan is.

24. Herroeping van verordening

Die bepalings van enige verordeninge wat voorheen deur die munisipaliteit of enige van die afgestelde munisipaliteite wat nou by die munisipaliteit geïnkorporeer is, uitgevaardig is, word hiermee herroep sover dit betrekking het op aangeleenthede waarvoor daar in hierdie verordening voorsiening gemaak is, en sover dit betrekking het op die munisipaliteit deur die magtiging vir die uitvoering van bevoegdhede en

funksies ingevolge artikel 84(3) van die Wet op Plaaslike Regering: Munisipale Strukture (Wet 117 van 1998).

25. Prosedure met die bring van hofaansoeke

'n Aansoek aan die hof om –

- (a) 'n dier kragtens hierdie verordening te skut, moet voldoen aan die prosedure vervat in Reël 55 van die Hofreëls; en
- (b) 'n dier kragtens hierdie verordening te verkoop, moet voldoen aan die prosedure beoog in artikel 66 van die Wet op Landdroshowe, 1944 (Wet 32 van 44) en Reël 41 van die Hofreëls, gemaak deur die Reëlsraad vir Howe kragtens artikel 6 van die Wet op die Reëlsraad vir Howe, 1985 (Wet 107 van 1985), en afgekondig onder Goewerments-kennisgewing Nr. R1108 in Regulasie Koerant Nr. 980 van 21 Junie 1968, soos van tyd tot tyd aangepas, saamgelees met die nodige wysigings.

26. Vrywaring

Die munisipaliteit, skutmeester en enige amptenaar, werknemer of agent van die munisipaliteit sal nie aanspreeklik wees vir die dood van of besering aan enige dier as gevolg van die aanhouding, skut of vrylating daarvan of as gevolg van die skutproses nie.

27. Bylae 1 en 2 vorm deel van hierdie verordening

Bylae 1 en 2 tot hierdie verordening vorm vir alle doeleindes deel van hierdie verordening.

28. Kort titel en inwerkingtreding

Hierdie verordening sal as die Verordening insake die Skut van Diere bekend staan en in werking tree op die datum waarop dit in die Provinsiale Koerant afgekondig word.

BYLAE 1**Kode van Goeie Praktyk insake die Hantering en Vervoer van Geskutte Diere
(Artikel 5(4))****DEEL I: Kraalvereistes**

1. Verskillende spesies diere moet in afsonderlike krale gehou word.
2. Diere mag nie in oorvol krale opeengehoop word nie en die ruimte moet voldoende wees sodat alle diere gelyktydig kan lê en mag nie minder as 1,5 vierkante meter grondruimte per dier wees nie.
3. Opstandige diere mag nie saam met ander diere gehou word nie.
4. Jong, gespeende of jeugdige diere mag nie saam met volwasse diere gehou word nie, met uitsondering van 'n ma en haar kleintjies.
5. Voorsiening moet in krale gemaak word vir –
 - (a) Geriewe soos rakke, voerbakke of ander geskikte houers wat maklik skoonmaak, wat die voer van diere van die grond af moontlik maak en wat gediens kan word sonder om diere te steur;
 - (b) Trôe wat 'n voldoende, geskikte voorraad vars water te alle tye voorsien;
 - (c) Voldoende geriewe vir die behoorlike skoonmaak van kampe; en
 - (d) Geriewe vir die veilige hantering van diere.
6.
 - (a) Die kampe moet te alle tye in 'n goeie werkende toestand gehou word.
 - (b) Skerp punte, soos die punte van drade, gebreekte planke, happerige punte, skarniere of boutte wat uitsteek, wat beserings aan diere kan veroorsaak, moet verwyder of na behore bedek word.
7. Die vloer van die hele kamp, insluitend 'n laaiplatform, toevoerbane en gange moet opperig word met 'n oppervlakte wat voldoende glipvry is en wat doeltreffend en gepas skoongemaak en droog gehou en in 'n toestand geskik vir die aanhou van diere onderhoud kan word.

DEEL II: Hantering van diere

8. Diere moet te alle tye menslik, met geduld en verdraagsaamheid behandel word.
9. Die volgende moet in gedagte gehou word tydens die hantering van diere –
 - (a) Diere reageer beter wanneer hul aanjaer agter hulle maar binne hul gesigsveld staan; en
 - (b) Tropdiere reageer beter wanneer hulle in 'n trop in plaas van een-een aangejaag word.
10. Diere mag nie aan hul bene gesleep, of aan hul koppe, ore of sterte gedra word nie.
11. Jong kalfies moet opgelig word by die bors en agterkwart en gedra word indien hulle nie self met gemak kan loop nie, andersins moet hulle gelei word deur met een hand op 'n agterkwart en die ander hand naby die skof of nek saam met hulle te stap in die vereiste rigting teen 'n geskikte en gemaklike pas.
12. Slegs stokke met seildoek oorgetrek of dryfbande mag gebruik word tydens die aanjaag van diere en dit is verkieslik om op die grond agter die dier eerder as op die dier self te slaan.
13. Elektriese aanporders, stokke of sambokke mag nie op jong kalwers gebruik word nie.
14. Elektriese aanporders mag nie oormatig of voor die voet gebruik word nie en mag ook nie op die gesig of anale- of geslagsdele van diere gebruik word nie.

DEEL III: Verskuiwing van diere

15. Diere wat aangejaag word moet te alle tye onder behoorlike en bekwame toesig wees.
16. Diere wat aangejaag word moet op 'n kalm manier teen 'n pas wat ontspanne, gemaklik en natuurlik vir daardie dier is en nie vinniger as die pas van die stadigste dier daar is nie.
17. Diere mag nie vir langer as tien uur aaneen aangejaag word sonder 'n rustyd van minstens een uur nie, asook die voorsiening van genoegsame, geskikte vars water wat aan al die diere beskikbaar moet wees nie.
18. Geen dier mag vir afstande langer as die volgende aangejaag word nie –
 - (a) Gedurende 'n reis wat nie langer as een dag duur nie –
 - i. 20 kilometer vir skape en bokke; en
 - ii. 30 kilometer gedurende die eerste dag en 20 kilometer vir elke daaropvolgende dag vir beeste; en
 - (b) Gedurende 'n reis wat langer as een dag duur –
 - i. 20 kilometer gedurende die eerste dag en 15 kilometer vir elke daaropvolgende dag vir skape en bokke; en
 - ii. 25 kilometer gedurende die eerste dag en 20 kilometer vir elke daaropvolgende dag vir beeste.
19. Sodra diere hul oornagkamp of eindbestemming bereik, moet hulle onmiddellik voer en water kry wat van die gehalte en tipe moet wees wat geskik is vir die spesie.
20. Diere mag nie na donker aangejaag word nie.
21. Geen dier wat siek, beseer of vermink is, mag aangejaag word nie.

DEEL IV: Voertuie wat tydens vervoer van diere gebruik word

22. Voertuie en alle sleepwaens wat vir die vervoer van gehoefde diere gebruik word, moet geskik wees vir die vervoer van sodanige diere en in 'n padwaardige toestand wees.
23. Alle voertuie en alle sleepwaens in item 22 genoem moet –
 - (a) 'n Geskikte glipvrye vloer hê wat nie die skoonmaak van die voertuie se vloer belemmer nie, hoewel heglatte of traliewerk van staal toelaatbaar is;
 - (b) Voldoende lug en lig deurlaat terwyl dit in beweging of stilstaande is en geen voertuig mag geheel en al toegemaak wees nie;
 - (c) Voldoende beskerming teen uitlaatgasse hê, aangesien blootstelling aan uitlaatgasse diere se asemhaling kan belemmer en angs veroorsaak;
 - (d) Sywande hê wat hoog genoeg is om te voorkom dat diere ontsnap of uit die voertuig val, met dien verstande dat –
 - i. Die sywande en afskortings, wanneer in gebruik op 'n voertuig om diere van mekaar te skei, van 'n hoogte moet wees wat nie laer is as die skouer van die grootste dier wat vervoer word nie;
 - ii. In die geval van beeste, uitgesonderd kalwers, moet die minimum hoogte 1 800 millimeter wees; en
 - iii. In die geval van kleiner diere moet die minimum hoogte 750 millimeter wees.
 - (e) In die geval van 'n multiverdiepingvoertuig moet die hoogte tussen dekke voldoende wees en in die geval van skape en varke nie minder as 1 000 millimeter wees nie, ten einde die grootste diere in staat te stel om natuurlik, vry en ten volle regop te staan en om voldoende ruimte vir vryvloeiende lug bo die diere toe te laat.

- (f) Soliede, ondeurdringbare vloere hê;
 - (g) Op- en aflaai-opeeninge aan die agterkant van die voertuig hê gelyk aan die volle wydte van die voertuig of indien aan die kante, 'n wydte hê van nie minder nie as 2 400 millimeter; en
 - (h) Hekke met of sonder afskortings hê –
 - i. Van 'n ontwerp en konstruksie wat sterk genoeg en geskik vir die vervoer van die beoogde besending is; en
 - ii. Wat vrylik kan oop- en toemaak en goed gestruktureer is.
24. Die digtheid van diere wat saam geplaas is in enige ruimte, moet sodanig wees dat die veiligheid en gerief van die diere gedurende vervoer verseker word en die voorgestelde vloerruimte per dier sal –
- (a) 1,4 vierkante meter per groot dier; en
 - (b) 0,5 vierkante meter per klein dier wees.

DEEL V: Voer en water gee van lewende hawe voor oplaai

25. Diere moet voorsien word van voldoende en geskikte voeding en vars water totdat die reis 'n aanvang neem.

DEEL VI: Prosedure vir op- en aflaai

26. Die op- en aflaai van diere in of van voertuie moet so stil en kalm moontlik geskied, met geduld en verdraagsaamheid en sonder onnodige teistering, verskrikking, kneusing, besering, lyding of spanning van die diere.
27. Geen dier mag aan sy kop, wol, vel, ore, stert, horings of bene op- of afgelaai word nie.
28. Geen dier mag op enige ander wyse as die volgende op- of afgelaai word nie –
- (a) By wyse van 'n laaibrug met 'n glipvrye oppervlakte, sterk genoeg om die gewig van die spesie dier wat hanteer word, te ondersteun, met sypanele of traliewerk wat die ontsnapping of afval van diere van die loopplank sal verhoed en wat teen 'n helling van nie meer as 25 grade lê nie; of
 - (b) By wyse van 'n laaiplatform wat gelyk is aan die hoogte van die vloer van die voertuig of, wanneer afgelaai word, nie meer as 310 millimeter onder die vlak van die aflaai-voertuig nie en met 'n helling van nie meer as 25 grade nie.
29. Indien 'n voertuig toegerus is met sy eie verwyderbare laaibrug, moet dit 'n glipvrye oppervlakte hê en lank genoeg wees sodat die helling nie meer sal wees as die helling na verwys in item 28 wanneer dit laat sak word nie, en die afstand tussen die grond en die haak van die laaibrug moet nie meer as 120 millimeter wees nie.
30. 'n Laaibrug se hoogte moet korrek volgens die presiese hoogte van die voertuig se vloer aangepas word.
31. Die reis moet so gou moontlik begin nadat lewende hawe opgelaai is en die diere moet sonder versuim by hul bestemming afgelaai word.
32. Tensy voldoende voorsiening gemaak is vir die doeltreffende skeiding van verskillende spesies diere, mag dit nie in dieselfde voertuig gelaai en vervoer word nie.
33. Diere van verskillende ouderdom, grootte en geslag mag nie in dieselfde voertuig gelaai en vervoer word nie, tensy voldoende voorsiening gemaak is vir die doeltreffende skeiding van sodanige diere.
34. Volwasse beeste met horings mag nie saam met poenskopbeeste vervoer word nie en hulle moet afsonderlik gehok word.

35. Indien daar voldoende rede bestaan om te glo dat 'n dier tydens 'n voorgenome reis geboorte kan skenk, mag sodanige dier nie op die voertuig gelaai word nie.
36. Ingeval 'n dier wel tydens 'n reis geboorte skenk, moet die nodige voorsorg getref word om die ma en kroos te beskerm teen vertrapping of besering of teistering deur ander diere.
37. Ingeval die –
 - (a) Transportvoertuig onklaar raak;
 - (b) Transportvoertuig in 'n ongeluk of botsing betrokke is; of
 - (c) Enige dier in transito beseer word of vrek, moet die karweier onmiddellik die besonderhede aanmeld by, of hulp vra van –
 - i. In die geval van paragraaf (a), 'n insleepdiens;
 - ii. In die geval van paragraaf (b), die Suid-Afrikaanse Polisie diens en die verkeersowerheid; of
 - iii. In die geval van paragraaf (c), 'n veearts.

DEEL VII: Beheer van diere tydens vervoer

38. Indien die vervoer van enige dier 'n besering aan die dier self of ander diere kan veroorsaak, moet dit in toom gehou word op so 'n manier dat sodanige besering voorkom word.
39. Geen dier mag vir meer as vier uur in enige 24-uur tydperk in toom gehou word nie.
40. Geen draad of baaltou mag gebruik word om diere se bene of pote mee vas te bind nie.
41. Ten einde verwurging of nekbreuke te verhoed, mag geen dier met 'n skuifknoop op die dier se kniehoogte aan die voertuig vasgemaak word nie, sodat ingeval die dier val, die moontlikheid dat die dier beseer raak verminder word. Die tou moet lank genoeg wees om die dier toe te laat om gemaklik in 'n natuurlike posisie te lê, met die kop regop.

BYLAE 2
Skutregister Inligting
(Artikel 12)

'n Skutregister moet ten minste die volgende inligting bevat –

1. Naam van die skut
2. Datum waarop 'n dier ontvang is
3. Getal en beskrywing van diere
4. Merke of brandmerke op diere
5. Nommer op oorettiket deur skutmeester toegeken
6. Naam en adres van persoon wat die dier gevang het
7. Naam en adres van die persoon wat die dier by die skut afgelaai het
8. Naam en adres van die eienaar van die grond waarop die dier gevang is
9. Naam en adres van die eienaar van die dier
10. Naam en adres of beskrywing van plek waar die dier gevind is
11. Afstand tussen die plek waar die dier gevang is en die skut
12. Besonderhede van skade deur die dier aangerig
13. Vervoerkoste betaalbaar
14. Besonderhede van uitsit of wegdoening van die dier
15. Oorsaak van dood of besering van geskutte dier
16. Beskrywing en bedrag van skutgelde
17. Skadevergoeding deur die hof toegeken
18. Datum van aflossing van die dier
19. Datum van verkoop van die dier
20. Opbrengs vir die verkoop van die dier
21. Naam en adres van koper
22. Oorskot (indien enige) aan die eienaar of munisipaliteit betaal
23. Kwitansienommer
24. Besonderhede van hofbevel rakende diere wat nie tydens veiling verkoop is nie

**UMASIPALA WASEWITZENBERG
UMTHETHO KAMASIPALA OSISIPHAKAMISO SETHUTYANAOMALUNGA
NOKUTHINJWA KWEZILWANYANA**

Phantsi kwemigaqo yecandelo 156 loMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1996, uMasipala waseWitzenberg uphumeza ngolu hlobo lulandelayo ukuba kusetyenziswe apha ngaphakathi kwiNdawo yoLawulo lweSithili eyasekwa ngokwecandelo lesi-6 loRhulumente weNdawo: UMthetho wamaCandelo ooMasipala (Local Government: Municipal Structures Act): uMthetho we-117 ka-1998:

Isiqulatho

1. Iinkcazelo
 2. Injongo yomthetho kamasipala
 3. Ukuthinjwa
 4. Isikithi emazithunyelwe kuso izilwanyana
 5. Ukwamkelwa nokuphathwa kwezilwanyana ngumgcini-sikithi
 6. Ukwamkelwa kwezilwanyana ezithinjiweyo
 7. Inani leendawo zokuvalela
 8. Ukutshatyalaliswa kwezilwanyana eziyingozi okanye ezinezifo ezosulelayo
 9. Isaziso malunga nezilwanyana ezithinjiweyo
 10. Ukugcinwa kwerejista yasesikithi
 11. Ukuhlolwa kwerejista yasesikithi kunye nemiba esuka kuyo
 12. Ukufakwa kokubhaliswa kwirejista yasesikithi emva kweentengiso zasesikithi
 13. Ukuholwa kwerejista yasesikithi kwindawo yentengiso
 14. Iimali zomgcini-sikithi
 15. Iimali ezihlawulwayo
 16. Isaziso malunga nentengiso
 17. Umthengisi
 18. Ukuthengiswa kwezilwanyana
 19. Ukuthinjwa okungekho mthethweni kunye nezohlwayo
 20. Ukubuyiswa kwelahleko enxulumene nokuthinjwa kwezilwanyana kwindawo ephantsi kolawulo lomnye umasipala
 21. Ukusetyenziswa, ukuvalelwa nokuphathwa gadalala kwezilwanyana
 22. Isibheni
 23. Amatyala nezohlwayo
 24. Ukuyekiswa kwemithetho kamasipala
 25. Iinkqubo emazilandelwe xa kufakwa isicelo enkundleni
 26. Ukuthatha uxanduva
 27. IShedyuli yoku-1 neyesi-2 ziyinxalenye yalo mthetho
 28. Isihloko esifutshane kunye nokuqalisa
- Ishedyuli yoku-1: Indlela yokusebenza kakuhle
Ishedyuli yesi-2: Iinkcukacha zobhaliso lwasesikithi

1. **Inkcazelo**

Kulo mthetho kamasipala, ngaphandle kokuba umxholo uthetha enye into -

"**isilwanyana**" sithetha ihashe, inkomo, igusha, ibhokhwe, ihagu, inkukhu, inciniba,inja, ikati okanye esinye isilwanyana okanye intaka yasekhaya, okanye isilwanyana sasendle, intaka yasendle okanye isilwanyana esirhubuluzayo esivalelweyo okanye esiphantsi kolawulo lwaye nawuphi umntu;

"**inkomo**" zithetha iinkabi zenkomo, iimazi zenkomo, iinkunzi zenkomo, amathokazi namathole;

"**ibhokhwe**" ithetha bhokhwe endala nokuba yinkunzi, inkabi okanye ithokazi, imazi netakane;

"**ihashe**" lithetha inkabi yehashe, inkunzi, imazi yehashe, inkonyane, idonki nemeyile;

"**umasipala**" uthetha uMasipala waseWitzenberg owasekwa ngokweCandelo le-12 loMthetho wamaCandelo ooMasipala, we-117 ka-1998, yaye uquka naliphi icandelo lezopolitiko, ilungu lesigqeba sezopolitiko, ilungu lebhunga, iarhente egunyazisiweyo okanye nawuphi umsebenzi osebenza ngokunxulumene nalo mthetho kamasipala ngokunikwa amagunya kumasipala omthume okanye abe ethunywe ngumntu obethunywe kwelo candelo lezopolitiko, ilungu lesigqeba sezopolitiko, ilungu lebhunga, iarhente okanye umsebenzi;

"**umntu ohlalayo**" uthetha nawuphi umntu ongoyena uhlala emhlabeni okanye owaziwa njengomntu onokuhlala kuloo mhlaba;

"**umnini**", ngokunxulumene nesilwanyana, uquka nawuphi umntu onobunini, onetyala, okanye onoxanduva lokulawula eso silwanyana;

"**isikithi**" sithetha indawo ebiyelweyo enenkampu enye nangaphezulu, eyakhiwe ngumasipala nebekwe phantsi kolawulo lomgcini-sikithi, isenzelwa ukugcina nokukhathalela izilwanyana ezingenabanini, ezilahlekileyo okanye ezingaziwayo;

"**umgcini-sikithi**" uthetha umntu onokuba -

- (a) ngumsebenzi wethutyana okanye osisigxina kwamasipala, okanye
- (b) oqeshelwe ukugcina nokusebenza esikithi, phantsi kwesivumelwano sokunikwa kweenkonzo;

"**umnini-mhlaba**" uthetha umntu orentayo, okanye ohlala kumhlaba othile;

"**igusha**" ithetha inkunzi yegusha, imazi yegusha, inkabi yegusha kunye netakane;

"**Inkunzi yehashe**" ithetha ihashe eliyinkunzi, idonki eyinkunzi okanye imeyile engathenwanga okanye elikhwange;

"**ugqirha wezilwanyana**" uthetha umntu onesiqinisekiso esifanelekileyo ngokwemigaqo yoMthetho woGqirha beziLwanyana nabaNtu abaQeqeshelwe ukuSebenza ngeziLwanyana (Veterinary and Para-Veterinary Professions Act) ka-1982 (uMthetho we-19 ka-1982).

"**indawo kawonke-wonke**" ithetha nayiphi indawo efikelelwa ngumntu wonke, kuquka, kodwa kungaphelelanga, kuyo nayiphi—

- (a) Indawo evulekileyo kumbindi wedolophu
- (b) Ipaka
- (c) Indawo yezolonwabo
- (d) Ibala lezemidlalo
- (e) Indawo evulekileyo
- (f) Unxweme
- (g) Isakhiwo seevenkile esikumhlaba kamasipala
- (h) Umhlaba kamasipala ongasetyenziswayo okanye ongenanto
- (i) Indawo yamangcwaba

2. Injongo yomthetho kamasipala

Injongo yalo mthetho kamasipala kukunika izakhiwo zokugcina nokukhathalela izilwanyana ezingenabanini, ezilahlekileyo nezingaziwayo kunye neenkqubo, iindlela nezinto ezenziwayo ukulawula ukuthinjwa kwezo zilwanyana.

3. Ukusekwa kwesikithi

- (a) Umasipala unokuseka isikithi kuyo nayiphi indawo efanelekileyo ephantsi kolawulo lwakhe, ngokuxhomekeke ekubeni uMasipala lowo unokuba nesivumelwano sokunikwa kweenkonzo neziko okanye umntu ekuthethwe ngaye kwicandelo 76(b) loRhulumente weNdawo: uMthetho weeNdlela zokuSebenza zikaMasipala, ka-2000 (UMthetho wama-32 ka-2000), ukulungiselela ukusekwa nokusebenza kwesikithi sisebenzela indawo esabelwe yona.
- (b) UMasipala makanike isaziso sokusekwa kwesikithi ngokupapasha isaziso kubuncinane bamaphephandaba amabini ajikeleza kwindawo elawulwa nguMasipala.

4. Isikithi emazithunyelwe kuso izilwanyana

Nawuphi umntu ekufunyenwe kumhlaba wakhe isilwanyana esingakhathalelwanga, esilahlekileyo okanye esingenamini, unokusisa eso silwanyana kwisikithi esikufutshane okanye kwesinye isikithi esibekwe ngumasipala.

5. Ukwamkelwa nokuphathwa kwezilwanyana ngumgcini-sikithi

- (1) Ngumsebenzi wakhe wonke umgcini-sikithi ukwamkelela kulawulo lwakhe zonke izilwanyana eziziswe esikithi sakhe, ukuze zithinjwe, ngezo yure zinokubekwa ngumasipala.
- (2) Nawuphi umgcini-sikithi owala okanye ongaphumeleliyo ukwamkela isilwanyana esiziswe esikithi sakhe ngale ndlela ixelwe apha ngasentla, ngaphandle kwesizathu, wophula umthetho yaye, ngaphezulu, ujongene noxanduva lwawo nawuphi umonakalo owehlele umnini weso silwanyana, okanye omnye umntu, monakalo lowo ubangelwe koko kusala okanye ukungaphumeleli ukusamkela kwakhe.
- (3) Umgcini-sikithi –
 - (a) unoxanduva lokhathalelo olululo lwazo zonke izilwanyana ezithinjiweyo;
 - (b) makaqinisekise ukuba izilwanyana ezithinjiweyo zinamanzi acocekileyo nokutya okwaneleyo ngawo onke amaxesha; yaye
 - (c) uya kuphendula kumnini wesilwanyana esithinjiweyo malunga nawo nawuphi umonakalo obangelwe sisenzo asenze ngokuzithandela okanye ngenxa yokungakhathali kungenjalo ngenxa yokungenzi okuthile.
- (4) Umntu obamba isilwanyana ngenjongo yokusithimba phantsi kwamacandelwana (1) no-(2), akanakusigcina eso silwanyana ithuba elingaphezu kweeyure ezilandelelanayo ezintandathu engakhange asiphe kutya namanzi.

- (5) Nawuphi umgcini-sikithi ongakwaziyo ukulandela iimfuno zecandelwana (3) wophula umthetho.

6. Ukwamkelwa kwezilwanyana ezithinjweyo

Umgcini-sikithi makamnike irisithi ebhaliweyo umntu ozise isilwanyana ukuba sigcinwe, risithi leyo ibonisa inani nengcaciso yezilwanyana ezizisiweyo.

7. Inani leendawo zokuvalela

Umasipala makazigcine kangangoko zikwimeko elungisiweyo, engenalosuleleko, izibaya ezahlukeneyo –

- (a) iinciniba namahashe;
- (b) iinkomo;
- (c) iigusha, iibhokhwe neehagu;
- (d) izinja; kunye
- (e) neekati

ngokuxhomekeke ekubeni umasipala unokuthi kuso nasiphi isikithi esikwindawo yakhe anike imvume yokuba umgcini-sikithi alungise inani elincinci lezibaya ezo.

8. Ukutshatyalaliswa kwezilwanyana eziyingozi okanye ezinezifo ezosulelayo

- (1) Nanini na xa umgcini-sikithi ecingela ukuba nasiphi isilwanyana sinisifo okanye silimele kakhulu okanye sikwimeko efunisa ukuba sitshatyalaliswe, uya kuthi, ukuba umnini waso akekho okanye akavumi ukuba sitshatyalaliswe eso silwanyana, unokuthi umgcini-sikithi abize ugqirha wezilwanyana okanye, ukuba akukho gqirha wezilwanyana ukwindawo efikelelekayo, abize abantu ababini abadala abathatha njengabathembekileyo nabasezingqondweni, yaye ukuba loo gqirha wezilwanyana okanye abo bantu badala bathe emva kokusixilonga eso silwanyana, bathe bangqina ukuba eso silwanyana sigula okanye silimele kungenjalo sikwimeko embi kangangokuba kungaba yinkohlakalo ukusigcina siphila, loo mgcini-sikithi unokuthi, ngaphandle kwemvume yomnini silwanyana, acele ipolisa ukuba litshabalalise eso silwanyana okanye libangele ukuba sitshatyalaliswe ngezixhobo nendlela eya kwenza ukuba singevi buhlungu kangangoko kunokwenzeka.
- (2) Ukuba esikithi kuziswe nasiphi isilwanyana esigula sisifo esosulelayo, okanye sosuleleka ngethuba sithinjwe, eso silwanyana masigcinwe bucala singadibani nezinye izilwanyana ezithinjweyo.

9. Isaziso malunga nezilwanyana ezithinjweyo

- (1) Umgcini-sikithi olaziyo igama lomnini wesilwanyana esithinjwe esikithi sakhe kufuneka amazise ngokubhaliweyo umnini lowo ukuba eso silwanyana sithinjwe.
- (2) Ukuba kuthinjwe nasiphi isilwanyana, esinophawu lokusazisa olucaciswe kuMthetho wokuPhawulwa kweziLwanyana (iAnimal Identification Act), umthetho wesi-6 ka-2000, umgcini-sikithi makalandele iindlela ezibekwe

kwicandelo le-14 lemiGaqo yokuPhawulwa kweziLwanyana (iAnimal Identification Regulations) ebhengezwe phantsi kweGN R1683 enomhla wama-21 kweyeNkanga (kuNovemba) ka-2003.

- (3) Apho umgcini-skithi angamaziyo umnini wesilwanyana esithinjweyo, kufuneka athi akusifumana eso silwanyana, axele malunga noko kuthinjwa kwesilwanyana kwiofisi yamaPolisa aseMzantsi Afrika ekufutshane.

10. Ukugcinwa kwerejista yasesikithi

- (1) Umgcini-sikithi makagcine irejista yasesikithi enezi nkcukacha zilandelayo:
- (a) umhla, kunye nesizathu ezithinjwe zona zonke izilwanyana ezamkelwe guye;
 - (b) inani lezo zilwanyana nengcaciso yazo;
 - (c) igama kunye nendawo ahlala kuyo umntu othimba ezo zilwanyana, kunye negama kunye nendawo ahlala kuye umnini okanye lowo ucingelwa ukuba ngumnini;
 - (d) umhla kunye neenkukacha zokukhululwa okanye ukuthengiswa kwezilwanyana, leyo ifanelekileyo; kunye
 - (e) nayo nayiphi eminye imiba anokuyalelwa ngumasipala ukuba ayiqinisekise ayirekhode.
- (2) Okubhaliswe phantsi kwecandelwana (1)(a), (b) no-(c) makwenziwe ngethuba izilwanyana zivalelwa kuze okubhaliswe phantsi kwecandelwana (1)(d) no-(e) kwenziwe ngoko nangoko akuba umgcini-sikithi efumana iinkukacha eziyimfuneko, ngokuxhomekeke ekubeni akukho lubhaliso lnokwenziwa emva kokuba iinkukacha (a) ukuya ku-(e) iphikiswe nguye nawuphi umntu.
- (3) Kwimeko yokusweleka okanye ukulimala kwaso nasiphi isilwanyana, umgcini-sikithi makabhalise kwirejista yesikithi sakhe ingcaciso yeso silwanyana, unobangela wokusweleka okanye ukulimala kwayo.
- (4) Xa kutshatyalaliswa isilwanyana ngokwecandelo lesi-8, umgcini-sikithi makabhale kwirejista yasesikithi sakhe ingcaciso yeso silwanyana, unobangela wokufa okanye ukulimala kwaso kunye namagama nedilesi kagqirha wezilwanyana okanye abantu abadala ababini abangqinileyo ukuba eso silwanyana sigula okanye silimele kungenjalo sikwimeko embi kangangokuba kungayinkohlakalo ukusigcina siphila.

11. Ukuhlolwa kwerejista yasesikithi kunye nemiba esuka kuyo

Irejista yesikithi mayigcinwe esikithi okanye kwenye indawo evunyiweyo yaye kufuneka ngawo onke amaxesha afanelekileyo ivuleleke ukuba ibe ingahlolwa, ngaphandle kwentlawulo, lilo naliphi igosa eligunyazisiweyo likamasipala, ugqirha wezilwanyana, naliphi ilungu lenkonzo yesipolisa okanye likawonke-wonke.

12. Ukufakwa kokubhaliswa kwirejista yasesikithi emva kweentengiso zasesikithi

Umgcini-sikithi kufuneka, zingaphelanga iintsuku ezili-14 emva komhla wentengiso yasesikithi nganye, afake kumasipala ikopi yako konke okubhaliswe kwirejista yasesikithi yakhe ukususela ngomhla woko kufakiweyo kwilixa elandulela elo, yaye umasipala makagcine zonke ezo kopi ukwenzela ukuba zibe nokuhlolwa nguye nawuphi umntu onomdla wokuzibona.

13. Ukuholwa kwerejista yasesikithi kwindawo yentengiso

Nanini na apho kuza kubakho intengiso yezilwanyana ezithinjiweyo, umgcini-sikithi okanye umntu ogunyaziselwe ukuqhuba loo ntengiso, makagcine irejista yasesikithi kuloo ndawo yentengiso, yaye loo rejista mayivuleleke ukuba ibe nokuhlolwa, ngaphandle kwentlawulo, ngabo bonke abantu abanomdla wokuyihlola.

14. Iimali zomgcini-sikithi

- (1) Umasipala angafuna iimali ngokugcinwa kwezilwanyana esikithi yaye angohlula phakathi kwezilwanyana ezahlukeneyo.
- (2) Wonke umgcini-sikithi unelungelo lokubanga iimali ezibekwe ngumasipala ngokwecandelwana (1) malunga naso nasiphi isilwanyana asithimbileyo ngokwalo mthetho kamasipala.

15. Iimali ezihlawulwayo

- (1) Iimali ezibekwe ngokwecandelo le-14 mazihlawulwe ngumnini wezilwanyana ezithinjiweyo kumgcini-sikithi.
- (2) Izilwanyana ezithinjiweyo zinokuvalelwa ngumgcini-sikithi njengesibambiso sentlawulo yeemali kunye nazo naziphi iindleko ezichithwe ngumgcini-sikithi, ngokuxhomekeke ekubeni ixabiso lezo zilwanyana lingaphezulu kwexabiso elipheleleyo elifanele ukuhlawulwa, yaye ukuba umnini akakwazi kulihlawula elo xabiso, umgcini-sikithi unokuvalela inani elithile lezo zilwanyana zinokwanela ukubambisa endaweni yelo xabiso lipheleleyo lifanele ukuhlawulelwa zonke ezo zilwanyana, aze izilwanyana eziseleyo azise kuloo mnini wazo.
- (3) Umgcini-sikithi ogcina inani elingaphezulu kwelifanelekileyo kwezo zilwanyana ukwenzela ukubambisa loo mali uya kuba nobutyala ngakumnini wazo malunga nayo yonke ilahleko ayichithileyo ngenxa yoko kuvalelwa kwazo.
- (4) Ukuba umgcini-sikithi uligosa likamasipala, kufuneka ahlawule iimali azifumeneyo ngokwalo mthetho kamasipala, ezihlawula kwingeniso kamasipala, ngamaxsha aya kubekwa lisebe elijongene nezemali.
- (5) Akukho mgcini-sikithi unokukhupha nasiphi isilwanyana esithinjiweyo de abe uzihlawulwe iimali ezibekiweyo.

16. Isaziso malunga nentengiso

- (1) Wonke umgcini-sikithi kufuneka –
 - (a) nanini na isilwanyana esithinjiweyo singakhululwanga zingedlulanga iintsuku ezintandathu ukususela ngomhla wokuthinjwa kwaso, azise umasipala ukuba eso silwanyana siya kuthengiswa kwintengiso yasesidlangalaleni anike nomhla, ixesha kunye nendawo yaloo ntengiso;
 - (b) anike umasipala iinkcukacha ezinxulumene nohlobo lwesilwanyana, umbala, amaphawu, kunye neempawu eziqambileyo zeso silwanyana;
 - (c) axhome ikopi yesaziso kwindawo eqaphelekayo apho esikithi, saziso eso kufuneka sihlale sixhonyiwe de ibe lusuku lwentengiso; yaye

- (d) aqinisekise ukuba isaziso saloo ntengiso siyapapashwa kwiphephandaba elifumanekayo kuloo ndawo kamasipala oneso sikithi.
- (2) Iindleko zeso saziso ngokwecandelwana (1)(a) ziya kubuyiswa kumnini weso silwanyana sithinjiweyo yaye ziya kuthathwa njengenxalenye yelo xabiso liza kutsalwa kwingeniso yaloo ntengiso yesilwanyana.
- (3) Ukuba loo ngeniso ingaphantsi kwexabiso elifanele ukuhlawulwa, abe nomnini weso silwanyana sithengisiweyo engaziwa, umasipala uya kuyilungisa loo ntsalela.

17. Umthengisi

- (1) Yonke intengiso yeezilwanyana ezithinjiweyo kufuneka -
 - (a) yenziwe ngumgcini-sikithi okanye omnye umntu ogunyaziswe ngumasipala; yaye
 - (b) iqhutywe ngexesha nomhla oxelwe kwisaziso ngokwecandelo 16(a).
- (2) Akukho mntu uqhuba intengiso yasesikithi unokuba nakho nakuphi ukundakanyeka ngokungqalileyo okanye ngokumayana kuko nakuphi ukuthengiswa okwenzeka kuyo nayiphi intengiso eqhutywa nguye.

18. Ukuthengiswa kwezilwanyana

Kuyo nayiphi intengiso enjalo -

- (a) akukho silwanyana sinokuthengiswa ngaphandle kokuba sesithinjwe ubuncinane beeveki ezimbini;
- (b) zonke izilwanyana, ngaphandle kweegusha neebhokhwe, mazithengiswe nganye nganye;
- (c) iigusha neebhokhwe mazithengiswe ngamaqela angekho ngaphezu kweshumi, yaye iigusha neebhokhwe kungenjalo iigusha okanye iibhokhwe ezinamaphawu ohlukeneyo azinakuthengiswa kunye kwiqela elinye;
- (d) izilwanyana ezithengiswayo mazi hlawulelwe ngemali eziinkonzo, aze umgcini-sikithi anike umasipala ingeniso, esele kuthatyathwe kuyo iimali zesikithi kunye nezinye iindleko ezichithiweyo, ukwenzela ukuba ihlawule abanini bezilwanyana ezithengisiweyo; ngokuxhemekeke ekubeni -
 - (i) ukuba kwimeko ethile intengiso ayikhuphi mali yaneleyo ukuba ingahlawula iimali ezifanele ukuhlawulwa esikithi, loo ngeniso mayiqale isetyenziselwe ukuhlawulela loo mbuyekezo ifanele ukuhlawulwa umgcini-sikithi, yaye ukuba loo mali ayanelanga ukuba ingayihlawula loo mbuyekezo, umasipala makahlawule umgcini-sikithi loo mali iseleyo yaloo mbuyekezo;
 - (ii) nayiphi imali, eyingeniso yentengiso yaso nasiphi isilwanyana esithinjiweyo, ethe ayangabangwa ngumnini weso silwanyana kwiinyanga ezilishumi elinambini ukususela kumhla wentengiso, iya kungena kumasipala;
- (e) umasipala unokubeka ixabiso lokubheja nasiphi isilwanyana esikwintengiso; yaye
- (f) umthengisi unokurhoxisa nasiphi isilwanyana kuloo ntengiso ukuba elona xabiso linikwayo laso alanelisi, nokuba ixabiso lokubheja besele libekiwe na ngumasipala.

19. Ukuthinjwa okungekho mthethweni kunye nezohlwayo

Nawuphi umntu othimba nasiphi isilwanyana ngokungekho mthethweni uya kuba wophula umthetho.

20. Ukubuyiswa kwelahleko enxulumene nokuthinjwa kwezilwanyana kwindawo ephantsi kolawulo lomnye umasipala

Nayiphi ilahleko efunyenwe ngumasipala ngenxa yokuthimba kwisikithi esiphantsi kolawulo lwakhe kunye nolawulo lwezilwanyana ezifunyenwe zidakasa kwindawo ephantsi kolawulo lomnye umasipala, loo lahleko inokufunwa kuloo masipala ungomnye.

21. Ukusetyenziswa, ukuvalelwa nokuphathwa gadalala kwezilwanyana

Akukho mntu unokuthi aqhube ngomsindo okanye aphaathe gadalala isilwanyana esifunyenwe sidakasa.

22. Isibheni

Umntu omalungelo akhe athe achatshazelwa sisigqibo sikamasipala unokufaka isibheni esilwa neso sigqibo ngokufaka isaziso esibhaliweyo sokubhena kunye nesizathu soko ngokwecandelo lama-62 likaRhulumente weNdawo: uMthetho weeNdlela zokuSebenza zikaMasipala (Local Government: Municipala Systems Act), uMthetho wama-32 ka-2000, eso saziso esifaka kumlawuli kamasipala zingedlulanga iintsuku ezingama-21 zomhla wokwaziswa kweso sigqibo.

23. Amatyala nezohlwayo

Nawuphi umntu -

- (a) owaphula okanye ongaphumeleliyo ukulandela umgaqo walo mthetho kamasipala;
- (b) ophazamisa ngabom okanye aphazamisane naye nawuphi umntu ekwenzeni kwakhe nawuphi amagunya okanye ukwenziwa kwawo nawuphi umsebenzi owenziwa ngokwalo mthetho kamasipala; okanye
- (c) onika iinkcukacha ezibubuxoki, ezingachanekanga okanye ezilahlekisayo,
- (d) okhulula isilwanyana ebesibanjwe ngokusemthethweni siza kuthinjwa okanye ebesithinjwe ngokusemthethweni;
- (e) obamba ngokungekho mthethweni isilwanyana kuba efuna ukusithimba
- (f) othimba ngokungekho mthethweni isilwanyana; wophula umthetho yaye ujongene nokuba athi emva kokugwetywa ajongane -
 - (i) nentlawulo okanye ukuvalelwa entolongweni, kungenjalo ibe yiloo ntlawulo okanye ukuvalelwa entolongweni; okanye ibe zizo zombini loo ntlawulo oko kuvalelwa entolongweni; yaye
 - (ii) apho ikukophula umthetho okuqhubekayo, ajongane nentlawulo eyongezelelweyo okanye ithuba elongezelelweyo lokuvalelwa entolongweni, okanye oko kuvalelwa entolongweni kongezelelweyo okungenatshintshwa ngentlawulo, okanye ibe zizo zombini loo ntlawulo yongezelelweyo kunye nokuvalelwa entolongweni ngosuku ngalunye ekuqhutyekwa ngalo noko kophula umthetho; kunye

- (iii) nexabiso elingaphezulu elilingana nazo naziphi iindleko ezifunyenwe yinkundla njengezichithwe ngumasipala ngenxa yoko kophulwa komthetho okanye ukungaphumeleli ukuwulandela.

24. Ukuyekiswa kwemithetho kamasipala

Imigaqo yayo nayiphi imithetho kamasipala ebibhengezwe ngumasipala ngaphambili okanye nguwo nawuphi umasipala owabhangiswayo nosele ngoku ungaphantsi kwalo masipala, loo migaqo iyayekiswa ngokunxulumene nemiba ekuthethwe ngayo kulo mthetho kamasipala, kwanangendlela eyenziwe yasebenza ngayo kumasipala ngokugunyaziswa kokusetyenziswa kwamagunya nemisebenzi ngokwecandelo 84(3) loRhulumente weeNdawo: UMthetho wamaCandelo ooMasipala (Local Government: Municipal Structures Act): uMthetho we-117 ka-1998.

25. Iinkqubo emazilandelwe xa kufakwa isicelo enkundleni

Isicelo eNkundleni—

- (a) sokuthinjwa kwesilwanyana ngokwalo mthetho kamasipala, masilandele inkqubo ebekwe kuMgaqo (Rule) wama-55 wemiGaqo yeNkundla (Rules of Court); yaye
- (b) intengiso yesilwanyana esithinjiweyo ngokwalo mthetho kamasipala, mayilandele inkqubo ebekwe kwicandelo lama-66 loMthetho weNkundla kaMantyi (iMagistrate Court Act), ka-1944 (uMthetho wama-32 ka-1944), kunye noMgaqo wama-41 wemiGaqo yeNkundla,

senziwe ngokwemiGaqo yeBhodi eLawula iiNkundla zikaMantyi (iRules of Board for Courts of Law) ngokwecandelo lesi-6 loMthetho wemiGaqo yeBhodi eLawula iiNkundla zoMthetho (iRules Board for Courts Act), ka-1985 (uMthetho we-107 ka-1985), yaza yapapashwa phantsi kweSaziso sikaRhulumente (iGovernment Notice No. R.1108) we-R.1108 kwiGazethi yeMigaqo (iRegulation Gazette) ye-980 yomhla wama-21 kweyeSilimela (kuJuni) ka-1968), omana uhlaziywa amaxesha ngamaxesha, ufundwa kunye notshintsho olufanelekileyo.

26. Ukuthatha uxanduva

UMasipala, umgcini-sikithi kunye nalo naliphi igosa, umsebenzi, okanye iarhente kaMasipala akayi kuba naxanduva ngokufa okanye ukulimala kwaso nasiphi isilwanyana okubangelwe kukuvallelwa kwaso, ukuthinjwa okanye ukukhululwa kwaso, okanye okwehle ngethuba sithinjiwe.

27. IShedyuli yoku-1 neyesi-2 ziyinxalenye yalo mthetho

Ishedyuli yoku-1 neyesi-2 yalo mthetho kamasipala yenza inxalenye yalo mthetho kamasipala ngeenxa zonke

28. Isihloko esifutshane kunye nokuqalisa

Lo mthetho kamasipala uya kubizwa ngokuba nguMthetho kaMasipala omalunga nokuThinjwa kweziLwanyana yaye uya kuqala ukusebenza emva kokupapashwa kwawo kwiGazethi yePhondo.

ISHEDYULI 1**INdlela yokuziPhatha Kakuhle ekuPhatheni nasekuHambiseni iziLwanyana eziThinjiweyo (iCandelo 5(4))****ICANDELO I: Iimfuno zamadlelwana**

1. Iintlobo ezahlukeneyo zezilwanyana mazigcinwe kumadlelwana ohlukeneyo.
2. Izilwanyana azinakubiyelwa kumadlelwana agcweleyo, yaye indawo ebiyelweyo elungiselelwe idlelwana ngalinye mayanele ukuvumela zonke izilwanyana ukuba zilale ngexesha elinye yaye akufunekanga ibe ngaphantsi kwezikwe-mitha eziyi-1,5 zendawo ephantsi yesilwanyana ngasinye.
3. Izilwanyana ezingalawulekiyo mazingagcinwa nezinye izilwanyana.
4. Izilwanyana ezisezincinci, ezilunyulweyo nezisezitsha, azinakubiyelwa nezilwanyana ezidala, ngaphandle kokuba ngumama nethole.
5. Makulungiselelwe amadlelwana—
 - (a) Ezakhiwo ezifana namanqwanqwana ezityela kuwo izilwanyana, izitya zokutyela izilwanyana ezimile okwezikhephe okanye ezinye iindawo ezifanelekileyo zokudlisa izilwanyana ekulula ukuzicoca, neziya kwenza ukuba kube lula ukuba izilwanyana zityele phantsi, nezinokulungiswa zingaphazanyiswanga izilwanyana;
 - (b) Iindawo eziyimisele yokutyisela izilwanyana ezinamanzi acocekileyo aneleyo ngawo onke amaxesha
 - (c) Izixhobo ezaneleyo zokucocwa ngokufanelekileyo kwamadlelwana; kunye
 - (d) Iindawo zokwenza ukuba ukuphatha izilwanyana kukhuseleke.
6. (a) Amadlelo kufuneka ahlale elungiswa abe kwimeko elungileyo ngawo onke amaxesha
 - (b) Iindawo ezibukhali ezifana nokuphela kocingo, iibhodi ezophukileyo, iziphelo ezirhabaxa okanye izinto ezixhonyiweyo okanye iibholithi eziphokelayo, nezinokubangela ukulimala kwezilwanyana, mazisuswe kungenjalo zogqunywe ngokufanelekileyo.
7. Indawo ephantsi kwidlelwana lonke, kuquka iindawo zokothulela, iindawo zemidyarho, neepaseji, mazakhiwe zize zibe neendawo ezaneleyo ezingatyibilikisiyo nezinokucocwa kakuhle nangokufanelekileyo zize zigcinwe zomile yaye zibe kwimeko elungele ukugcina izilwanyana.

ICANDELO II: Ukuphatha kwezilwanyana

8. Izilwanyana mazisoloko ziphathwa ngendlela enobuntu nangomonde nonyamezelo.
9. Makucingwe ngezi zinto zilandelayo xa kuphathwa izilwanyana—
 - (a) Izilwanyana ziqhubeka lula xa umqhubi wazo esima emva kwesilwanyana kodwa kumgama wokuba azibone; yaye
 - (b) Izilwanyana ezisemhlambini ziqhubeka lula xa ziqhutywa njengeqela kunokuba ziqhutywe ngasinye ngasinye.
10. Izilwanyana azinakurhuqwa ngamanqina, okanye zitsalwe ngentloko, iindlebe okanye umsila
11. Amankonyana makaphakanyiswe ukuba akakwazi kuhamba ngokulula, ngokuphakamisa inkonyane ujikelisa izandla esifubeni nakumanqina angemva,

kungenjalo makakhokelwe ngokuba kubekho isandla esikumanqina angasemva size esinye sibe kufuphi namagxa okanye intamo, size sihanjiselwe kweli cala lifunekayo ngesantya esifanelekileyo nesililungeleyo.

12. Kungasetyenziswa iintswazi ezinelaphu leseyile okanye izaphokhwe ukuqhuba izilwanyana yaye kungcono ukubetha kumhlaba osemva kwesilwanyana endaweni yokubetha isilwanyana eso.
13. Iintonga zombane, iintonga okanye iintonga ezitsolo azinakusetyenziswa kumankonyane amancinci
14. Iintongaa zombane azinakusetyenziswa ngokugqithisileyo okanye ngokungacingeliyo kungenjalo zisetyenziswe ebusweni, ezimpundu okanye kwiindawo zobuni bezilwanyana.

ICANDELO III: Ukuhamba kwezilwanyana

15. Izilwanyana eziqhutywa zihamba ngeenyawo mazisoloko ziphantsi kweliso lomntu ofanelekileyo nonolwazi ngazo.
16. Izilwanyana ezihamba ngeenyawo maziqhutywe ngendlela ezolileyo ngesantya sokuhamba esipholileyo nesifanelekileyo, esisifaneleyo eso silwanyana, nesingakhawuleziyo kunesantya sesona silwanyana sicothayo.
17. Izilwanyana azinakuqhutywa ithuba elingaphezu kweeyure ezili-10 zingakhange zinikwe kuphumla kobuncinane beyure enye zize zinikwe namanzi acocekileyo oneleyo naza kufunyanwa zizo zonke izilwanyana.
18. Akukho silwanyana zihamba ngeenyawo sinokuhanjiswa umgama ongaphezu kwale ilandelayo—
 - (a) Ngethuba lohambo olungekho ngaphezu kolosuku olunye—
 - i. iikhilomitha ezingama-20 ezigusheni nasezibhokhweni; kunye
 - ii. neekhilomitha ezingama-30 ngosuku lokuqala kunye neekhilomitha ezingama-20 ngosuku ngalunye kwiintsuku ezilandelayo ezinkomeni kunye;—
 - (a) Ngethuba lohambo olungaphezu kolosuku olunye—
 - i. iikhilomitha ezingama-20 ngosuku lokuqala kunye neekhilomitha ezili-15 ngosuku ngalunye kwiintsuku ezilandelayo ezigusheni nasezibhokhweni; kunye
 - ii. neekhilomitha ezingama-25 ngosuku lokuqala kunye neekhilomitha ezingama-20 ngosuku ngalunye kwiintsuku ezilandelayo ezinkomeni
19. Izilwanyana mazisezwe zityiswe ngoko nangoko zakufika kwiindawo eziza kuchitha ubusuku kuyo okanye eyona ndawo ziya kuyo, zinikwe ukutya okwaneleyo okusemgangathweni nokuluhlobo oluhambelana nolo hlobo lwesilwanyana.
20. Izilwanyana azinakuhanjiswa ebusuku
21. Akukho silwanyana sigulayo, silimeleyo okanye siqhwalelayo sinokuhanjiswa ngeenyawo.

ICANDELO IV: Izithuthi ezisetyenziselwa ukuhambisa izilwanyana

22. Izithuthi nazo zonke izikhoji ezisetyenziselwa ukuhambisa izilwanyana ezineempuphu mazifanele ukuhambisa ezo zilwanyana zineempuphu yaye zibe kwimeko efanele ukuhamba emgaqweni.
23. Zonke izithuthi kunye nezikhoji ekuthethwe ngazo kwindawo yama-22 mazibe—
 - (a) indawo yaphantsi engatyibilikisiyo nengenakuphazamisana nokucocwa kwaphantsi kwesithuthi, ibe nento zokubophelela eludongeni lwemoto

- eziphonyiweyo okanye ezisuswayo kungenjalo sikwazi ukuba neentsimbi zokunqanda izilwanyana ukuba zingatyibiliki esithuthini;
- (b) Singene umoya nokukhanya ngokwaneleyo ngeli xesha sihambayo ngokunjalo naxa simile, kungabikho sithuthi sivaleleka ngci.
- (c) Ukukhuseleka ngokwaneleyo kwiigesi eziphuma emotweni, nanjengoko ukufikelelwa kwazo kumoya ophuma kwimibhobho yemoto zingaphazamisana nokuphefumla kwezilwanyana kuze kubangele ukungonwabi kwezilwanyana;
- (d) Iindonga ezisemacaleni eziphakame ngokwaneleyo ukuba zinqande izilwanyana ukuba zingaphumi okanye ziwe kwisithuthi eso; ngokuxhomekeke ekubeni—
- i. Amacala kunye nokwahlulwa kwaso, xa kusetyenzisiweyo esithuthini ukwahlula izilwanyana ezikhweliswa kuso, makabe nomphakamo ongekho mfutshane kunobude obulingana namagxa esona silwanyana sikhulu sihanjisiwayo;
 - ii. Xa iziinkomo ezingenamankonyana, ubuncinane bomphakamo mabube ziimilimitha ezili-1 800; buze
 - iii. ubuncinane bomphakamo bube ziimilimitha ezingama-750 xa izizilwanyana ezincinci
- (e) Kwizithuthi ezinezikhoji ngezikhoji, umphakamo phakathi kwemiphezulu mawube ngowaneleyo, xa iziigusha neehagu, ungabi ngaphantsi kweemilimitha ezili-1000, ukwenzela ukuba esona silwanyana sikhulu sikwazi ukuma ngendlela yendalo, ngokukhululekileyo yaye sikwazi ukuma ngokupheleleyo yaye kuvumele isithuba esaneleyo sokuhamba ngokukhululekileyo komoya phakathi kwezilwanyana;
- (f) Iindawo eziphantsi eziqinileyo nezingachithi-mazi;
- (g) Iindawo ezivulekileyo zokukhweliswa nokothula ezingasemva esithuthini ezinobubanzi obupheleleyo besithuthi okanye, ukuba kuwo onke amacala, ububanzi abukho ngaphantsi kweemilimitha ezingama-2 400; yaye
- (h) Amasango, anezahlulo okanye angenazo—
- i. Makabe ngawoyilo nolwakhiwo oluqine ngokwaneleyo nafanele ukuhanjiswa kwaloo mahla ijonge ukuhanjiswa; yaye
24. Navuleka avaleke ngokukhululekileyo nakwaziyo ukwakhiwa kakuhle. Ukuxinana kwezilwanyana ezifakwe kuso nasiphi isithuba mabube ngendlela eqinisekisa ukukhuseleka nokuphatheka kakuhle kwezo zilwanyana ngethuba lohambo, yaye isithuba sendawo ephantsi esicetyiswayo kwisilwanyana ngasinye sesi—
- (a) Izikwe-mitha eziyi-1,4 kwisilwanyana ngasinye esikhulu; kunye
 - (b) nesikwe-mitha esiyi-0,5 kwisilwanyana ngasinye esincinci.

ICANDELO V:

Ukusezwa nokutyiswa kwezilwanyana eziphilayo phambi kokukhweliswa

25. Izilwanyana mazinikwe ukutya namanzi acocekileyo oneleyo nafanelekileyo lude luqalise uhambo.

ICANDELO VI: Indlela yokukhweliswa nokwehliswa

26. Ukukhweliswa nokwehliswa esithuthini makwenziwe ngendlela ethule nezole kangangoko, ngomonde nonyamezelo nokungaxhatshazwa, ukoyikiswa kwezilwanyana okungeyomfuneko, ukuzigruzula, ukuzilimaza, ukuziphatha kakubi nokuzibangela uxinzelelo olungeyomfuneko.
27. Akukho silwanyana sinokukhweliswa okanye sehliswe ngokuphakanyiswa ngentloko, uboya, isikhumba, iindlebe, imisila, iimpondo okanye amanqina.
28. Akukho zilwanyana zinokukhweliswa okanye zehliswe ngaphandle—
 - (a) Kokuba kusetyenziswe indawo yokukhwela engatyibilikisiyo phantsi, ezinze ngokwaneleyo ukuba ibe ingamelana nobunzima bolo hlobo lwezilwanyana zikhwelisilweyo, ibe neendawo ezisemacaleni okanye imiqobo eyaneleyo ukuba inganqanda izilwanyana ukuba zingehli okanye ziwe kwelo qonga yaye indawo eyonyukayo ingonyuki ngaphezu kweedigri ezingama-25; okanye
 - (b) Kwindawo yokukhweliselwa elingana nobude bendawo ephantsi yeso sithuthi kungenjala, xa zisehla, ingabi ngaphezu kweemilimitha ezingama-310 ezantsi kwenqanaba lesithuthi esothulayo yaye indawo enyukayo ingabi ngaphezu kweedigri ezingama-25.
29. Apho itrakhi ineqonga elisuswayo lokukhweliswa, kufuneka libe alityibilikisi apha phantsi yaye libe nobude obaneleyo xa lisehliswa, ukuze indawo enyukayo ingabi nzulu kunendawo enyukayo exelwe kwindawo yama-28, ube umgama osuka phantsi usiya kumva weqonga elo ungekho ngaphezu kweemilimitha ezili-120.
30. Amaqonga makalungiselelwe ngokuchanekileyo ngokomphakamo ochanekileyo wendawo ephantsi yesithuthi
31. Iihambo maziqale ngoko nangoko emva kokuba izilwanyana eziphilayo zikhwelisiwe yaye izilwanyana kufuneka zehliswe kwangoko xa zifika kuloo ndawo ziya kuyo.
32. Ngaphandle kokuba kukho amalungiselelo enziweyo ukulungiselela ukwahlukana okusebenzayo, iintlobo ezahlukeneyo zezilwanyana azinakukhweliswa zize zihanjiswe ngesithuthi esinye.
33. Izilwanyana ezinobudala, ubukhulu nezini ezahlukeneyo azinakukhweliswa zihanjiswe ngesithuthi esinye ngaphandle kokuba kukho amalungiselelo okuba zohlulwe ngokuyimpumelelo ezo zilwanyana
34. Iinkomo ezindala ezineempondo azinakuhanjiswa nezilwanyana eziziingqukuva yaye kufuneka zibiyelwe ngokwahlukeneyo.
35. Apho kukho isizathu sokukholelwa ukuba isilwanyana sisenokuzala apha kolu hambo lucetywayo, eso silwanyana asinakukhweliswa esithuthini.
36. Xa isilwanyana sizala ngethuba sihanjiswa, makuthathwe amanyathelo ayimfuneko okuqinisekisa ngokhuseleko lukanina nethole ukuze zinganyathelwa kungenjalo zilinyazwe okanye ziphathwe kakubi zezinye izilwanyana.
37. Xa kunokwenzeka ukuba—
 - (a) Isithuthi sophuke;
 - (b) Kwehle ingozi okanye kungqubane izithuthi kuquka neso sinezilwanyana; okanye
 - (c) Kulimale, okanye kusweleke, nasiphi isilwanyana esikhwelisiweyo, umqhubi osilayishileyo makanike ingxelo yeenkcukacha, aze acele uncedo—
 - i. Ngokomhlathi (a), inkonzo yezithuthi ezaphukileyo;
 - ii. Ngokomhlathi (b), amaPolisa aseMzantsi Afrika kunye nabasemaGunyeni bezoThutho; okanye
 - iii. Ngokomhlathi (c), ugqirha wezilwanyana.

ICANDELO VII: Ukubotshwa kwezilwanyana ezihanjiswa ngesithuthi

38. Apho ukuthuthwa kwaso nasiphi isilwanyana kunokubangela ukuzilimaza kweso silwanyana okanye ukulimaza esinye isilwanyana, kufuneka eso silwanyana sibotshwe ngendlela eya kunqanda oko kulimala
39. Akukho silwanyana sinokugcinwa sibotshiwe ithuba elingaphezu kweeyure ezi-4 kuzo naziphi iiyure ezingama-24.
40. Akunakusetyenziswa ucingo okanye ithwayini ukubopha amanqina angasemva okanye angaphambili esilwanyana
41. Ukunqanda ukukhameka okanye ukophuka kwentamo, akufunekanga kusetyenziswe iqhina elikhululeka ngokutsalwa apho izilwanyana zibotshelelwe esithuthini kwinqanaba lamadolo esilwanyana ukwenzela ukuba xa eso silwanyana sinokuwa, kuncitshiswe ukulimala okumandla okanye ukufa okunokwenzeka, xa intambo inde ngokwaneleyo ukuba ibe ingavumela ukuba isilwanyana silale ngokukhululekileyo ngokwendlela esiqhele ukulala ngayo siphakamise intloko.

ISHEDYULI 2
Iinkcukacha zobhaliso lwasesikithi
(iCandelo le-12)

Irejista yasesikithi kufuneka, ubuncinane ibe nazo ezi nkcukacha zilandelayo –

1. Igama lesikithi
2. Umhla wokwamkelwa kwesilwanyana
3. Inani nengcaciso yezilwanyana
4. Amaphawu esilwanyana
5. Inombolo yecici elisendlebeni enikwe ngumgcini-sikithi
6. Igama nedilesi yomntu obambe isilwanyana
7. Igama nedilesi yomntu ozise isilwanyana esikithi
8. Igam anedilesi yomnini womhlaba esibanjwe kuwo isilwanyana
9. Igam anedilesi yomnini wesilwanyana
10. Igama nedilesi okanye ingcaciso yendawo esifunyenwe kuyo isilwanyana
11. Umgama phakathi kwendawo esibanjwe kuyo isilwanyana kunye nesikithi
12. Iinkcukacha zomonakalo owenziwe sisilwanyana
13. Imali yothutho ekufuneka ihlawulwe
14. Iinkcukacha zokutshatyalaliswa okanye ukulahlwa kwesilwanyana
15. Unobangela wokufa okanye ukulimala kwesilwanyana esithinjweyo
16. Ingcaciso nexabiso leemali zasesikithi
17. Umonakalo ethe mawuhlawulwe inkundla
18. Umhla wokukhululwa kwesilwanyana
19. Umhla wokuthengiswa kwesilwanyana
20. Ingeniso yentengiso yesilwanyana
21. Igama nedilesi yomthengi
22. Imali eseleyo (ukuba ikhona) ehlawulwe umnini okanye umasipala
23. Inombolo yerisithi
24. Iinkcukacha zoMyalelo weNkundla ngokunxulumene nesilwanyana esingathengiswanga ngokwemfuneko

SWELLENDAM MUNICIPALITY: BY-LAW RELATING TO THE PREVENTION OF PUBLIC NUISANCES

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Swellendam Municipality enacts as follows:

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1. Definitions

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

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

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

"animal" means any equine, bovine, sheep, goat, poultry, camel, domestic animal or pet or bird, or any wild animal or reptile which is in captivity or under the control of a person, or insects such as, but not limited to, bees which is kept or under control of a person;

"authorised official" means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act 71 of 1962) and any official of the municipality who has been authorised by the municipality to enforce the provisions of this by-law;

"bird" means a pigeon, peafowl, pheasant, partridge, canary, budgerigar, parrot, ostrich and any other domesticated bird or wild bird which is in captivity or under control of a person;

"district municipality" means the Overberg District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"drunk" means a person who, by reason of the alcohol which he or she has consumed, has lost control of his or her mental or physical faculties, or both, to such an extent as to render him or her incapable of comporting him- or herself, or of performing any act in which he or she is engaged, with safety to him- or herself or with that regard to the rights of others which the law demands;

"implement" means any machinery or equipment, whether self-propelled or not, and which is not stored in a lock-up garage on the premises on which it is parked;

"municipality" means the Swellendam Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal manager" is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, Act 117 of 1998, and includes a person -

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility;

"objectionable material" means garden litter, rubbish, waste material, grass, vegetation, rubble, manure, scrap metal, article or thing, disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not

necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public or which is detrimental to the tidiness of the premises and/ or adjacent property;

"owner":

(a) in relation to an animal, includes the person having the possession, charge, custody or control of such animal;

(b) in relation to property includes an occupier, lessee, servitude holder, trustee, executor, curator or assignee, agent or administrator of such property;

"pet" means a tame animal which is kept in a household;

"poultry" means any fowl, goose, ostrich, duck, pigeon, dove, turkey, muscovy, guinea-fowl, peacock or peahen or bird whether domesticated or wild;

"premises" means:

(a) land or a portion of land, including a public place, whether or not a building or structure has been constructed or erected on such land or portion thereof; or

(b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicle, carriage, ship or boat;

"public nuisance" means any act or omission or condition on any premises or public place, including any building, structure or growth thereon, which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of people, and **"nuisance"** has the same meaning;

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

(a) is vested in the municipality;

(b) the public has the right to use; or

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

"responsible authority" means the Swellendam Municipality or any national or provincial department that may in terms of its powers and functions impose conditions or restrictions in respect of the keeping of animals;

"street" means any road, street or thoroughfare or any section or part thereof which is commonly used by the public or to which the public has a right of access;

"structure" means any container, stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter, business purposes or the keeping or enclosing of animals.

2. Objectives and application of by-law

- (1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Swellendam Municipal area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.
- (2) In the implementation of this by-law, the municipality also recognises the infrastructural, social and economic disparities and inequalities resulting from the previous local government dispensation and shall strive to overcome such disparities and inequalities by supporting the new goals for local government as laid down in section 152 of the Constitution.
- (3) For the application of this by-law, any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.

3. GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

3.1 Public nuisances prohibited

- (1) No one may cause a public nuisance.
- (2) A public nuisance is created by, but is not limited to:
 - (a) the keeping of animals, birds, poultry or reptiles, excluding pets on premises unless the premises is in terms of an applicable town planning scheme zoned as suitable for the keeping of such animals or reptiles;
 - (b) allowing an animal to:
 - i. enter upon public or private land other than the premises where it is kept, unless under proper control and, in the case of a dog, on a leash;
 - ii. suffer from an infectious or contagious disease, or act in such a manner that a nuisance is created for adjacent residents;
 - (c) in the case of a person in control of a dog on a street or public land, failing to remove the droppings of that dog;
 - (d) the keeping of pets in such a manner that a nuisance or the potential for a nuisance is created;
 - (e) the overnight parking of more than one heavy vehicle or boat on premises which is zoned for residential purposes;
 - (f) the parking of an implement or construction machinery or -equipment on premises which is zoned for residential purposes;
 - (g) the repairing, washing, maintenance or servicing of a heavy vehicle, boat or implement or construction machinery or -equipment on premises which is zoned for residential purposes;

- (h) the parking of a vehicle, heavy vehicle, boat or trailer or construction machinery or -equipment on premises in such a manner that a part of the vehicle, heavy vehicle, boat or trailer extends over the boundaries of the premises on which it is parked to the extent that vehicular or pedestrian traffic is impeded or endangered; or derelict vehicles parked in- or outside of properties or on sidewalks or on open spaces;
- (i) the letting off of a firework in contravention of any legislation for the control over the letting off of fireworks and any conditions that may have been imposed for the letting off of fireworks.
- (j) operating a business or engaging in similar activities on residential premises, notwithstanding any approvals granted by the Council in terms of town planning legislation, to the extent that a nuisance to adjacent residents is created by:
 - i. the increase of an activity over and above the limits and conditions determined by the Council when the application for the activity was originally approved in terms of legislation;
 - ii. the storage of goods or materials on the premises;
 - iii. the operation of a pump, compressor, fan or similar machinery in such a manner that a vibration or noise is caused on adjacent premises;
 - iv. the use of spray paints or other volatile substances in such a manner that sprays, smells or gases enter onto adjacent properties;
 - v. the manufacturing or activities related to the manufacturing of goods or materials;
 - vi. the frequency of deliveries or the calling of persons at the premises;
 - vii. the frequency of loading or unloading of vehicles in the street or on the premises;
 - viii. the gathering of workers on or near the premises, or;
 - ix. the frequency of the arrival, departure or parking in the street or on the premises of vehicles attached to the activities on the premises.
- (k) allowing vacant land or buildings or any building or structure thereon or portion thereof or the fencing on any premises to become:
 - i. dilapidated, neglected unsightly, offensive or in a state of disrepair to such an extent that the values of adjacent properties are detrimentally affected;
 - ii. a home or shelter for squatters or vagrants;
 - iii. overgrown with neglected lawns, trees, shrubs or other cultivated or uncultivated vegetation;
 - iv. inundated with an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste materials, or;
 - v. a depository for waste materials;
 - vi. Or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness.

- (l) in relation to business premises, allowing:
- i. waste materials emanating from the activities on the premises to be deposited in a street refuse bin;
 - ii. waste materials emanating from the activities on the premises to be deposited on a part of the premises which is accessible from the street or sidewalk, unless it is in a container provided or approved by the municipality;
 - iii. or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
 - iv. the display of goods for sale on a part of the premises outside of a building, which is accessible from the street or sidewalk, but does not form part of the street or the sidewalk;
 - v. a vehicle to be parked on the premises in such a manner that part of the vehicle extends over a boundary of the premises to the extent that vehicular or pedestrian traffic is impeded or endangered;
 - vi. a means of advertising or promotion to have the effect that a distraction or danger is caused for passing vehicular or pedestrian traffic, a gathering of persons is allowed to form in the vicinity of the premises, or that pedestrians are prevented from using the sidewalk in front of the premises;
 - vii. shop trolleys attached to the business to accumulate in a street or parking area to the extent that vehicular or pedestrian traffic is impeded or endangered;
 - viii. a refrigerator, compressor, fan or other machinery, to operate in such a manner that a vibration or noise is caused on adjacent premises;
 - ix. an increase in the frequency of deliveries or callers at the premises to such an extent that occupiers of adjacent premises are prevented from gaining normal access to their premises;
 - x. vehicles attached to the business to be parked in front of adjacent premises in such a manner that the occupiers are prevented to proceed with the normal operation of their activities; and
 - xi. the use of any stoep, verandah or alley or adjoining vacant land for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise.
- (m) In relation to general behaviour on streets, parking bays, parking areas and in public places by:
- i. at any time during the day or night disturb the public peace in any public or private place or premises or a street by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements, or by drag racing.
 - ii. advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells.

- iii. in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises in such a manner that it creates a public nuisance and materially interfere with the ordinary comfort, convenience, peace or quiet of other people.
- iv. in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the public peace;
- v. cleanse or wash any vehicle or part in any street or public place;
- vi. discharge any fire-arm, air gun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township;
- vii. bringing a vehicle to a stop or driving a vehicle in such a manner that pedestrian or vehicular traffic is impeded;
- viii. riding bicycles or similar devices in groups in such a manner that pedestrian or vehicular traffic is impeded;
- ix. pushing or parking trolleys or similar devices in such a manner that pedestrian and vehicular traffic is impeded;
- x. walking or standing in groups in such a manner that other pedestrian traffic is impeded;
- xi. offering services or goods and articles for sale in intersections in such a manner that the attention of drivers of vehicles is distracted;
- xii. offering services or goods or articles for sale from the side of the road in such a manner that vehicular or pedestrian traffic is impeded or the attention of drivers of vehicles is distracted;
- xiii. operating a vehicle drawn by animals at such times when, and on such streets where, a heavy traffic flow is experienced;
- xiv. being in an inebriated or drug-induced condition in such a manner that a nuisance is created, and
- xv. acting in a disorderly manner.
- (n) the display of anything which is visually offensive;
- (o) operating any device which interferes with radio and television reception;
- (p) loitering in any street or public place;
- (q) being drunk or under the influence of drugs;
- (r) soliciting or importuning any person for the purposes of prostitution or any other immoral act;
- (s) continuing to beg from a person or closely follow a person after such person has given a negative response to such begging;
- (t) playing loud music or the use of music instruments on any premises in a manner that causes a nuisance;
- (u) bathe or wash him- or herself or any animal, article or clothing in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose;

4. BEHAVIOUR AND CONDUCT

Notwithstanding the provisions of any other By-law no person shall:-

- i. dump, accumulate or place or cause a permit to be dumped, accumulated or placed objectionable material in or on any premises, or public road, drain, water, furrow, sewer, thoroughfare, or public place except at such place or place as the municipality may from time to time set aside or approve for such purposes, provide however that the municipality may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the municipality;
- ii. carry on any trade, business or profession on any premises in the municipal area which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to the neighbourhood;
- iii. allow any premises to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the municipality it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires or cause the premises to be unsightly or objectionable or detrimental to the value of adjacent property;
- iv. allow any premises to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such premises;
- v. keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- vi. befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- vii. carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- viii. bury to dispose of any dead body in any unauthorised place;
- ix. permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- x. cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;

5. UNLAWFUL OCCUPATION

- (1) No person shall, without the permission of the municipality, occupy or permit to be occupied for human habitation a caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the municipality or any other camping or caravan site which conforms with the provisions of the By-laws relating to such caravan parks or camping sites.

- (2) The municipality may serve notice on any person who is occupying a caravan, tent or shelter in contravention of subsection (1) to vacate such caravan, tent or shelter within 3 days after the service of such notice, failing which, such person shall be guilty of an offence.

6. CONTRAVENTION AND FAILURE TO COMPLY

- (1) In the event of a contravention of any of the provisions of this Bylaw, the municipality may issue a notice on the owner, occupier or alleged offender to terminate the action or to abate the nuisance created.
- (2) In the event of non-compliance with any order from the municipality and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith may be recovered from the person responsible for the nuisance or the owner or occupier of the premises whether or not such owner or occupier is responsible therefore.
- (3) Where any vacant or developed premises or land in the vicinity of a street is used by unauthorised persons or where any of the materials or things mentioned in in this bylaw are dumped or deposited on such premises, the municipality may serve a written notice on the owner or occupier requiring him or her to enclose or fence it in to its satisfaction by a date specified in the notice. Every such enclosure or fence must be so constructed that it will effectively prevent the entry of unauthorized persons and the dumping of materials and things.
- (4) Any person who contravenes or fails to comply with any provisions of this bylaw or fails to comply with any notice lawfully given hereunder is guilty of an offence.

7. CO-OPERATION BETWEEN MUNICIPALITIES

7.1 Service delivery agreements

In order to achieve optimal service delivery in terms of this by-law, the municipality may enter into agreements with the district municipality with which legislative and executive powers are shared.

7.2 Omission of District Municipality

If the service delivery referred to in clause 7.2 is impeded by the refusal or omission by the district municipality to execute any of the arrangements envisaged in an agreement in terms of section clause 7.2 the municipality may, subject to the principles of cooperative government as set out in section 41 of the Constitution of the Republic of South Africa, 1996, proceed to give effect to such arrangement and any expenses incurred by the municipality in giving effect to such an arrangement may be recovered from the district municipality.

8. RIGHT OF ENTRY AND INSPECTION

- (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law; provided that a private dwelling may not be entered for routine inspection purposes without the permission of the owner or occupier.
- (2) When entering premises in terms of subsection (1), the employee must on request by any person, identify him- or herself by producing written proof of authorisation.

- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.

9. SERVING OF DOCUMENTS AND LEGAL STEPS

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person:
 - a. when it has been delivered to him personally;
 - b. when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - c. when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
 - d. if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
 - e. if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document is authorised or required to be served on a person, it is not necessary to name him or her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

10. PENALTIES

A person who has committed an offence in terms of this by-law or fails to comply with any provision thereof, is on conviction, liable to a fine or imprisonment or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment and a further amount equal to any costs and expenses incurred by the municipality as result of any contravention.

11. EXEMPTIONS

Notwithstanding the provisions of this by-law, the municipality may exempt any person and class of persons from any or all of these requirements and may impose any other requirements it deems appropriate.

12. LIAISON FORUMS

- (1) The municipality may establish one or more liaison forums in a community for the purposes of—
 - a. creating conditions for a local community to participate in the affairs of the municipality; and
 - b. promoting a safe and healthy environment;
- (2) A liaison forum may consist of—
 - a. a member or members of an interest group, or an affected person;

- b. a member or members of the community; and
 - c. a designated official or officials of the municipality;
- (3) the municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum;
- (4) a liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

13. REPEAL OF BY-LAWS

The following by-laws and any other provision in any other by-law that is inconsistent with the provisions of this by-law are hereby revoked:

BY LAWS REVOKED	PROVINCIAL NOTICE NUMBER
By-Law for the Prevention and Suppression of Nuisances Swellendam Municipal Area	PN 6751 of 28 May 2010
Prevention/ suppression of Nuisances Swellendam alone	PN 0285/1972
Prevention/ suppression of Nuisances Barrydale alone	PN 0125/1974 and PN 0621/1994
Animals Barrydale alone	PN 0862/1989
Keeping of bees Barrydale alone	PN 0275/1955
Cleanliness of premises Swellendam alone	PN 0409/1976
Cleanliness of premises Barrydale alone	PN 0124/1974 and PN 0603/1988
Dilapidated buildings/ unsightly/ objectionable structures Barrydale alone	PN 0126/1974
Control of Loudspeakers Barrydale alone	PN 0277/1955
Control over Loudspeakers Swellendam alone	PN 0029/1955

14. Short title and commencement

This by-law is called the Swellendam By-law relating to the Prevention of Public Nuisances and will come into operation on the date of publication thereof in the Provincial Gazette.

SWELLENDAM MUNISIPALITEIT: VERORDENING INSAKE OPENBARE OORLASTE

Kragtens die bepalings van artikel 156 van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Swellendam Munisipaliteit as volg:

Inhoudsopgawe

1. Woordoms krywing
2. Oogmerke en toepassing
3. Algemene bepalings insake openbare oorlaste
4. Gedrag en optrede
5. Onwettige bewoning
6. Oortredings en versuim
7. Samewerking tussen munisipaliteite
8. Reg van toegang en inspeksie
9. Betekening van dokumente en geregtelike stappe
10. Strawwe
11. Vrystellings
12. Gemeenskapskakeforums
13. Herroeping van verordeninge
14. Kort titel en inwerkingtrede

1. Woordoms krywing⁶

In hierdie verordening en tensy dit uit die samehang anders blyk, beteken:

"Aanstootlike materiaal" tuin rommel, gemors, afvalmateriaal, gras, plante, rommel mis, afvalmetaal, artikel of ding, ongebruikte dele daarvan, afval van enige bouwerk, of enige afval wat gestort word op enige grond of perseel, insluitend nuwe of gebruikte boumateriaal wat nie noodwendig nodig is in verband met bona fide bouwerk wat aan die gang is op enige grond nie, en sluit in enige vaste stof, vloeistof of gas wat aanstootlik of gevaarlik is of mag wees of nadelig is of mag wees vir die gesondheid of wat wesenlik 'n inbreuk maak of word op die gewone gemak of gerief van die publiek of wat nadelig is vir die nethied van die perseel en/ of die aangrensende eiendom;

"agent" met betrekking tot die eienaar van eiendom, beteken 'n persoon wat deur die eienaar aangestel is om:

- a. huur of ander betalings ten opsigte van die eiendom namens die eienaar te ontvang; of
- b. om betalings namens die eienaar ten opsigte van die eiendom te maak;

"dier" 'n lid van die perdefamilie, bees, skaap, bok, vark, pluimvee, kameel, hond, kat of ander huis- of troeteldier of voel of 'n wilde dier of reptiel wat in gevangenskap verkeer of onder die beheer van iemand is, of insekte soos, maar nie beperk tot, bye wat deur 'n persoon aangehou of beheer word, ;

"distriksmunisipaliteit" die Overberg Distriksmunisipaliteit gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 486 van 200 gedateer 22 September 2000, soos gewysig per Provinsiale Kennisgewing 162 gedateer 20 Augustus 2004, en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

"dronk" 'n persoon wat weens die alkohol wat hy of sy ingeneem het beheer oor sy of haar geestes- of fisiese vermoëns, of beide, tot so 'n mate verloor het dat hy of sy nie in staat is om hom- of haarself te gedra nie, of nie in staat is om enige handeling waarmee hy of sy besig is op so 'n wyse te verrig dat dit nie 'n gevaar vir hom- of haarself inhou nie of met daardie agting vir die regte van ander soos deur die reg vereis word nie;

"eienaar"

- a. met betrekking tot 'n dier, ook iemand wat in besit is van of belas is met die sorg, bewaring of beheer van 'n dier;
- b. met betrekking tot eiendom, sluit in 'n okkupeerder, huurder, serwituuthouer, trustee, eksekuteur, kurator of aangewysde, agent of administrator van sodanige eiendom;

"gemagtigde beampte" beteken 'n beampte, gemagtig ingevolge artikel 8 van die Dierbeskermingswet, 1962 (Wet 71 van 1962) en enige beampte van die munisipaliteit wat gemagtig is om die bepalings van hierdie verordening af te dwing;

"implement" enige masjinerie of toerusting, hetsy self aangedrewe aldan nie, wat nie in 'n toesluit motorhuis op die perseel waarop dit parkeer word, gestoor word nie;

"munisipaliteit" die Swellendam Munisipaliteit gestig in terme van Artikel 12 van die Munisipale Strukturewet, 117 van 1998, Provinsiale Kennisgewing 488 gedateer 22 September 2000 en sluit in enige politieke struktuur, politieke ampsbekleder, raadslid, behoorlik gevolmagtigde agent daarvan of enige werknemer daarvan handelende ingevolge hierdie verordening uit hoofde van 'n bevoegdheid van die munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde politieke struktuur, politieke ampsbekleder, raadslid, agent of werknemer;

"munisipale bestuurder" die persoon wie as die munisipale bestuurder van die munisipaliteit aangestel ingevolge die bepalings van artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998) en sluit enige persoon in:

- a. wat in sodanige pos waarneem; en
- b. aan wie die munisipale bestuurder enige magte, funksie of pligte deleger het in soverre dit die uitvoering van daardie magte, funksie of pligte aangaan;

"perseel",

- a. grond of 'n gedeelte grond hetsy 'n gebou of struktuur op sodanige grond of gedeelte grond gebou of opgerig is; of
- b. 'n gebou, struktuur, tent of woonwa saam met die grond waarop dit staan en sluit dit en sluit in enige voertuig, rytuig, skip of boot.

"openbare oorlas" enige handeling, versuim of toestand op 'n perseel met inbegrip van enige gebou, struktuur of gewas daarop wat die veiligheid van persone of eiendom in gevaar stel of wat onooglik, hinderlik, aanstootlik of rusversteurend vir ander mense is en **"oorlas"** het dieselfde betekenis;

"openbare plek" enige plein, gebou, park, ontspanningsoord of oop terrein wat:

- a. by die munisipaliteit berus;
- b. die publiek die reg het om te gebruik, of
- c. getoon word op 'n algemene plan van 'n dorpsgebied in 'n akteregistrasiekantoor van 'n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

"pluimvee", enige hoender, gans, volstruis, eend, duif, kalkoen, makou, tarentaal, pou of voel hetsy dit makgemaak of wild is;

"straat" enige pad, straat of deurgang of enige ander plek (hetsy 'n deurgang aldan nie) wat algemeen gebruik word deur die publiek of enige gedeelte daarvan of waartoe die publiek of 'n deel daarvan die reg van toegang het;

"struktuur", beteken enige houder, stal, skuur, varkhok, kraal, voëlhok, kamp, bedekte struktuur, hoenderhok, hok, kamp, duiwehok of gebou wat gebruik word vir bewoning deur mense, sakedoeleindes of die aanhou diere;

"troeteldier" enige mak dier wat normaalweg in 'n huishouding aangehou word vir kameraadskap of vermaak;

"verantwoordelike owerheid" die Swellendam Munisipaliteit of enige nasionale of Provinsiale departement wat uit hoofde van sy funksies en bevoegdhede beperking of voorwaardes ten opsigte van die aanhou van diere mag oplê;

"voël" enige duif, pou, fisant, patrys, kanarie, budjie, papegaai, volstruis en enige ander mak of wilde voël wat in gevangenskap is of onder beheer van iemand is.

2. Oogmerke en toepassing

- (1) Die munisipaliteit, bewus van die grondwetlike reg wat elke persoon het op 'n omgewing wat nie skadelik is vir sy of haar gesondheid of welsyn, neem hierdie verordening aan met die doel die gesondheid en welsyn van alle inwoners in die Swellendam Munisipale area te beskerm en te bevorder deur 'n omgewing te skep waarin die algemene publiek vrede en harmonie kan geniet.
- (2) By die implementering erken die munisipaliteit die infrastrukturele, maatskaplike en ekonomiese ongelykhede van die vorige plaaslike regeringstelsel en sal die munisipaliteit daarna streef om die

ongelykhede te oorkom deur die nuwe doelwitte vir plaaslike regering soos bepaal in artikel 152 van die Grondwet te ondersteun.

- (3) Vir die toepassing van hierdie verordening word enige handeling of toestand wat die veiligheid van 'n persoon of eiendom in gevaar stel of wat onsindelik, ergerlik, hinderlik, aanstootlik of rusversteurend is vir ander mense, as 'n openbare oorlas beskou.

3. ALGEMENE BEPALINGS INSAKE OPENBARE OORLASTE

3.1 Verbode openbare oorlaste

- (1) Niemand mag 'n openbare oorlas veroorsaak nie.
- (2) 'n Openbare oorlas word veroorsaak deur, maar is nie beperk nie tot:
- (a) die aanhou van diere, uitgesluit troeteldiere, op 'n perseel tensy die perseel ingevolge 'n toepaslike dorpsaanlegskema gesoneer is vir die aanhouding van sodanige diere;
- (b) die toelaat dat 'n dier:
- i. op openbare of privaatgrond, wat nie die grond is waarop dit aangehou word nie, aanwesig is, tensy dit onder behoorlike beheer is, en in die geval van 'n hond, aan 'n leiband is nie;
 - ii. aan 'n besmetlike of aansteeklike siekte ly; of
 - iii. hom op so 'n wyse gedra dat dit 'n oorlas is vir aangrensende eienaars;
- (c) in die geval van 'n persoon in beheer van 'n hond in 'n straat of op openbare grond, te versuim om die ontlasting van sodanige hond te verwyder;
- (d) die aanhou van troeteldiere op so 'n wyse dat dit 'n oorlas veroorsaak of 'n potensiële oorlas veroorsaak word;
- (e) die oornag parkering van meer as een swaar voertuig of boot op 'n perseel wat vir residensiële doeleindes gesoneer is;
- (f) die parkering van 'n implement of konstruksie masjienerie of toerusting en op 'n perseel wat vir residensiële doeleindes gesoneer is;
- (g) die herstel, was, onderhoud of diens van 'n swaar voertuig, boot of implement of konstruksie masjienerie of toerusting op 'n perseel wat vir residensiële doeleindes gesoneer is;
- (h) die parkering van 'n voertuig, swaar voertuig, boot of implement op 'n perseel op sodanige wyse dat dit die grense van die perseel waarop dit geparkeer is, oorskry to so 'n mate dat voertuig- of voetgangerverkeer daardeur benadeel of in gevaar gestel word of verlate voertuie geparkeer binne of buite eiendomme of op sypaadjies of op oop ruimtes.
- (i) die afvuur van vuurwerke teenstrydig met enige wetgewing ten opsigte van die beheer oor die afvuur van vuurwerke en enige voorwaardes wat opgelê mag word ten opsigte die afvuur van vuurwerke.

- (j) die bedryf van 'n besigheid of die betrokkenheid by soortgelyke aktiwiteite op 'n residensiële perseel, nieteenstaande enige goedkeuring deur die munisipaliteit verleen in terme van stadsbeplanningswetgewing, op so 'n wyse dat 'n oorlas vir aangrensende eienaars veroorsaak word deur:
- i. die toename in die aktiwiteit tot so 'n mate dat die beperkinge en voorwaardes soos neergelê deur die munisipaliteit by die oorspronklike goedkeuring daarvan oorskry word;
 - ii. die berging van goedere of materiale op die perseel;
 - iii. die bedryf van 'n pomp, kompressor, waaier of soortgelyke masjinerie op so 'n wyse dat vibrasie of geraas op aangrensende persele veroorsaak word;
 - iv. die gebruik van spuitverf of ander vlugtige stowwe op so 'n wyse dat sproei, reuke of gasse na ander persele versprei;
 - v. die vervaardiging, of aktiwiteite verwant aan vervaardiging van goedere of materiale;
 - vi. die frekwensie van aflewering of die aandoen van persone op die perseel;
 - vii. die frekwensie van oplaai- en aflaai vanaf voertuie in die straat of op die perseel;
 - viii. die samedromming van werknemers op of naby die perseel;
 - ix. die frekwensie van aankoms, vertrek of parkering van voertuie in die straat of op die perseel wat verband hou met die aktiwiteite op die perseel;
- (k) toe te laat dat geboue of enige gebou of struktuur daarop of gedeelte daarvan of enige omheinings op enige perseel of dat vakante grond:
- i. vervalte, verwaarloos, onooglik raak of aanstootlik voorkom of vervalte raak tot so 'n mate dat die waardes van aangrensende eiendomme nadelig geraak word;
 - ii. 'n tuiste vir plakkers of leeglêers word;
 - iii. oorgroei raak met verwaarloosde gras, bome, struik of ander bewerkte of onbewerkte plantegroei;
 - iv. onooglik word deur 'n versameling van papiere, kartonne, tuinafval, rommel en ander afvalmateriaal; of
 - v. 'n stortingsterrein word vir afvalmateriaal;
 - vi. of versuim om die dakwater wegvloei-stelsel, pype, riool, dreineerstelsel, water stelsel, vuilwater stelsel, water kas toebehore en ander toebehore wat deel vorm van die gebou of struktuur of aan die gebou of struktuur geheg is, in 'n goeie en heel toestand te onderhou of om te versuim om die mure van enige gebou of struktuur vogvry te hou.
- (l) met betrekking tot besigheidspersone, toe te laat dat:
- i. afval wat op die perseel gegenereer word in 'n straat vullishouer gestort word;
 - ii. afval wat op die perseel gegenereer word gestort word op 'n gedeelte daarvan wat toeganklik is vanaf 'n straat of sypaadjie, tensy dit gestort word in 'n vullishouer wat deur die munisipaliteit goedgekeur is;

- iii. enige winkel of besigheidsperseel of onbeboude grond wat aan sodanige winkel of besigheidsperseel of enige gedeelte daarvan grens en wat toeganklik of sigbaar is vir die publiek gebruik word vir die doel van stoor, opstapeling, storting, berging enige afvalmateriaal, vullis, kartonne, kratte, houers of ander artikels van 'n soortgelyke aard;
 - iv. goedere vertoon of verkoop word op 'n gedeelte van die perseel, wat nie deel vorm van 'n straat of sypaadjie nie, maar wat toeganklik is vanaf 'n straat of sypaadjie;
 - v. 'n voertuig geparkeer word op so 'n wyse dat dit of 'n gedeelte daarvan op 'n straat of sypaadjie uitsteek tot so 'n mate dat voertuig- of voetgangerverkeer daardeur benadeel of in gevaar gestel word;
 - vi. 'n metode van reklame of promosie die effek het dat dit 'n verwarring of gevaar veroorsaak vir verbygaande verkeer of voetgangers, 'n samedromming van mense in die omgewing van die perseel veroorsaak, of dat voetgangers verhinder word om die sypaadjie voor die perseel te gebruik;
 - vii. winkeltrollies verbonde aan die besigheid in 'n straat of parkeerarea versamel tot so 'n mate dat voertuig- of voetgangerverkeer daardeur benadeel of in gevaar gestel word;
 - viii. 'n verkoeler, kompressor, waaier of ander masjienerie bedryf word op 'n wyse wat vibrasie of geraas veroorsaak word op aangrensende persele;
 - ix. 'n toename in die frekwensie van aflewings of aandoeners by die perseel tot so 'n mate dat die okkupeerders van aangrensende persele se normale toegang tot hulle eie persele belemmer word;
 - x. voertuie verbonde aan die perseel voor aangrensende persele geparkeer word op so 'n wyse dat okkupeerders verhoed word om met hulle normale aktiwiteite aan te gaan;
 - xi. enige stoep, veranda of steeg gebruik word vir die berging, opstapeling, storting, wegdoen, vertoon of hou van goedere of voorraad;
- (m) met betrekking tot algemene gedrag in strate, parkeervakke, parkeerareas en openbare plekke:
- i. gedurende enige tyd deur die dag of nag die openbare orde versteur deur op enige openbare of private plek of perseel of straat geluide te maak of the skreeu of aanhoudende toeter te blaas te twis of rusie te maak of te veroorsaak of deur 'n skare byeen te bring of te organiseer vir enige demonstrasie of deur te baklei of om 'n geveg uit te lok of om deur middel van 'n staking of op dreigende wyse of op 'n swaaiende wyse enige stok of ander wapen te gebruik of deur middel van enige ander oproerige/ geweldadige of onbetaaamlike gedrag op enige tyd deur die dag of nag of deur te slenter in enige straat of openbare plek of deur middel van skares op sypaadjies, of deur;
 - ii. goedere of dienste in strate of openbare plekke te adverteer by wyse van 'n megafoon, luidsprekers of dergelike toestel of deur aanhoudende te skreeu of te slaan met gongs of met blaasinstrumente of deur klokke te lui;
 - iii. in of op enige perseel die openbare orde in die omgewing van die perseel te versteur deur daarop 'n geluide te maak, te skreeu, te baklei, te twis, or deur te sing of deur daarin of daarop musiek instrumente te bespeel of om daarin of daarop enige musiek instrumente, radios, televisies, of soortgelyke instrumente vir die voortbring of vesterking van klanke op so 'n wyse of op so 'n tyd of onder sodanige omstandighede dat die klank daarvan hoorbaar is buite die grense van die

- eiendom of perseel op so 'n wyse dat dit 'n openbare oorlas veroorsaak en wesenlik inmeng met die gewone gemak, gerief, vrede of stilte van ander mense;
- iv. in of op enige straat of enige openbare beledigende of dreigende taal gebruik of enige daad begaan wat die openbare vrede versteur of skend of gesien kan word dat dit die openbare vrede versteur of skend;
 - v. 'n voertuig was of skoonmaak in of op enige straat of openbare plek;
 - vi. enige vuurwapen of windbuks of windpistool op enige perseel behalwe 'n perseel of grond gesoneer vir landbou doeleindes of wat nie deel vorm van 'n algemene plan vir 'n woongebied nie, afvuur;
 - vii. 'n voertuig tot stilstand te bring of te bestuur op 'n wyse wat voetganger- of voertuigverkeer belemmer;
 - viii. fietse of soortgelyke toestelle in groepe te ry op 'n wyse wat voetganger- of voertuigverkeer belemmer;
 - ix. trollies of soortgelyke toestelle te stoot of te parkeer op 'n wyse wat voetganger of voertuigverkeer belemmer;
 - x. in groepe te loop of te staan op 'n wyse wat voetganger- of voertuigverkeer belemmer;
 - xi. goedere of items in kruisings vir verkoop aan te bied op 'n wyse wat die aandag van voertuigbestuurders aftrek;
 - xii. dienste of goedere vir verkoop aanbied langs 'n pad op 'n wyse waarop voetganger- of voertuigverkeer belemmer word of die aandag van voertuigbestuurders afgetrek word;
 - xiii. 'n voertuig wat deur diere getrek word te gebruik op tye en op strate waar hewige voertuigverkeer ondervind word;
 - xiv. in 'n beskonke of dwelmbenewelde toestand te verkeer op 'n wyse wat 'n oorlas veroorsaak;
 - xv. wanordelik op te tree;
- (n) die vertoning van enigiets wat visueel aanstootlik is;
 - (o) die bedryf van enige toestel wat radio- en televisie ontvangs versteur;
 - (p) rondsientery in enige straat of openbare plek;
 - (q) deur dronk of onder die invloed van dwelms te wees;
 - (r) die uitlokking of oorreding van enige persoon vir die doeleindes van prostitusie of 'n ander immorele daad;
 - (s) aan te hou om te bedel van 'n persoon of om 'n persoon te agtervolg nadat sodanige persoon negatief gereageer het op die bedelary;
 - (t) harde musiek te speel of die gebruik van musiekinstrumente op enige perseel op 'n wyse wat 'n oorlas veroorsaak;

- (u) 'n persoon wat homself of haarself of enige dier was of bad in 'n openbare stroom, poel, watertrog, standkraan, fontein of op enige plek wat nie deur die munisipaliteit vir sodanige doel aangewys is nie.

4. GEDRAG EN OPTREDE

Ondanks die bepalings van enige ander verordening mag niemand –

- i. aanstootlike materiaal stort, opgaar of plaas of toelaat dat dit gestort, opgehoop of geberg word in of op enige perseel, of openbare pad of dreineer-, watersloot, of riool, of deurgang, of openbare plek behalwe op die plek of plekke soos deur die munisipaliteit van tyd tot tyd opsy gesit of goedgekeur vir sodanige doeleindes nie, met dien verstande dat die munisipaliteit openbare garages, werksinkels en ander bedrywe kan toelaat om, onderhewig aan sodanige voorwaardes as wat opgelê kan word, in elke individuele geval, motor onderdele of apparaat te stoor, te berg uitmekaar te haal of aanmekaar te sit op persele goedgekeur deur die munisipaliteit.
- ii. enige handel, besigheid of beroep uitoefen op enige perseel in die munisipale gebied wat na die mening van die munisipaliteit 'n bron van ongerief of ergernis vir die omgewing is of kan word nie;
- iii. toelaat dat enige perseel toegroei met bosse, onkruid of gras of ander plantegroei, behalwe gekweekte bome, struik en gras tot so mate dat dit na die mening van die munisipaliteit as skuilplek gebruik kan word deur rondlopers, wilde diere of ongediertes of dat dit die openbare gesondheid of die veiligheid van enige lid van die gemeenskap bedreig of dat dit kan lei tot die verspreiding van brande of dat dit veroorsaak dat die perseel onooglik of aanstootlik of nadelig is vir die waarde van aangrensende eiendom nie;
- iv. toelaat dat enige perseel vuil, verwaarloos of besmet is met knaagdier, slange, muskiete, vlieë, bosluise, of ander insekte wat skadelik kan wees vir die gesondheid nie, of toelaat dat enige aanstootlike reuke of gasse afkomstig is van sodanige perseel nie;
- v. op sy perseel 'n dier of voël hou wat 'n versteuring of 'n oorlas vir die bure is deur gereelde en oormatige geraas nie;
- vi. enige openbare gerief of enige gerief voorsien in 'n openbare gebou of plek van openbare vermaak bemors, misbruik of beskadig nie;
- vii. enige aanstootlike materiaal of ding, vloeistof of vaste stof, wat aanstootlik is of mag wees of gevaarlik of nadelig vir die gesondheid is of kan word, dra of vervoer of veroorsaak of toelaat dat dit gedra of vervoer word oor, p[of in enige straat of openbare plek, tensy sodanige aanstootlike materiaal of ding bedek is met 'n geskikte materiaal om die skep van 'n ergernis te voorkom nie;
- viii. enige dooie liggaam begrawe of wegdoen op enige ongemagtigde plek nie;
- ix. toelaat dat die karkas van 'n dier, wat sy eiendom of waarvan wat hy in beheer is, en wat gesterf het op sy perseel of elders in die munisipale gebied, onbegrawe laat bly nie;
- x. veroorsaak of toelaat dat enige vuil of besoedelde water of enige vuil vloeistof of ongewensde materiaal vanaf enige perseel waarvan hy die eienaar is of wat hy okkupeer of deur hom bewoon

word of wat hy gebruik vir handel, besigheid, vervaardiging, bewoning of enige ander doel, wegvloei in 'n straat of op of oor enige grond nie.

5. ONWETTIGE BEWONING

- (1) Niemand mag, sonder die toestemming van die munisipaliteit, 'n karavaan, tent of ander soortgelyke skuiling van enige beskrywing beset, bewoon of toelaat dat dit gebruik word vir menslike bewoning nie behalwe op 'n gemagtigde kampeer of woonwa terrein beheer deur die munisipaliteit of enige ander kampeer of woonwa perseel wat voldoen aan die bepalings van die verordeninge met betrekking tot sodanige woonwa parke of kampeerplekke.
- (2) Die munisipaliteit mag 'n kennisgewing beteken aan enige persoon wat 'n karavaan, tent of beskutting in stryd met subartikel (1) beset om sodanige woonwa, tent of skuiling te ontruim binne 3 dae na die betekening van sodanige kennisgewing, by gebreke waarvan sodanige persoon skuldig is aan 'n misdryf.

6. OORTREDING EN VERSUIM OM TE VOLDOEN

- (1) Waar daar 'n oortreding van enige van die bepalings van hierdie verordening plaasvind kan die munisipaliteit 'n kennisgewing op die eienaar of okkupeerder of beweerde oortreder beteken om binne 'n bepaalde tyd die handeling te staak of die oorlas uit die weg te ruim.
- (2) By versuim om aan enige lasgewing in terme van die verordening gevolg te gee en sonder inkorting van die munisipaliteit se reg om vervolging in te stel, kan die munisipaliteit alle nodige maatreëls tref om die oorsaak of bron van sodanige oorlas te verwyder en enige koste in verband daarmee aangegaan is deur die munisipaliteit verhaalbaar op die persoon wat verantwoordelik is vir die oorlas of die eienaar of okkupeerder van die perseel waarop die oorlas ontstaan of voortgesit word, ongeag of die eienaar of okkupeerder daarvoor verantwoordelik is aldan nie.
- (3) Waar enige beboude of onbeboude grond of perseel in die omgewing van 'n straat vir enige doel deur ongemagtigde persone gebruik word of dat enige van die materiale of dinge in hierdie verordening vermeld op sodanige grond of perseel geplaas of gestort word, kan die munisipaliteit 'n skriftelike kennis aan die eienaar of okkupeerder daarvan beteken waarin daar van hom vereis word om die grond of perseel voor 'n bepaalde datum tot sy bevrediging in te sluit of te omhein. Elke sodanige insluiting of omheining moet van sodanige aard en so gebou wees dat dit die toegang van ongemagtigde persone daartoe of die storting of ophoping van materiale of dinge daarop sal verhoed.
- (4) Persoon wat enige van die bepalings van hierdie verordening oortree of versuim om daaraan te voldoen, of versuim om aan 'n kennisgewing wat regtens daaronder uitgereik is te voldoen, is skuldig aan 'n misdryf.

7. SAMEWERKING TUSSEN MUNISIPALITEITE

7.1 Diensleweringreëlings

Ten einde optimale dienslewering ingevolge hierdie verordening te verseker, kan die munisipaliteit ooreenkomste aangaan met die distriksmunisipaliteit met wie wetgewende en uitvoerende gesag gedeel word.

7.2 Nalate deur die Distrikmunisipaliteit

Indien die dienslewering waarna in artikel 7 verwys word belemmer word deur die weiering of versuim van die distrikmunisipaliteit om enige van die reëlings wat in 'n ooreenkoms voorsien is uit te voer, mag die munisipaliteit, onderworpe aan die bepalings van die Grondwet rakende samewerkende regering soos bepaal in artikel 41 van die Grondwet van die Republiek van Suid-Afrika, 1996, voortgaan en effek gee aan sodanige reëling en enige uitgawes wat in verband daarmee aangegaan word van die distrikmunisipaliteit verhaal.

8. REG VAN TOEGANG EN INSPEKSIE

- (1) Enige behoorlik gemagtigde werknemer van die munisipaliteit is gemagtig om enige perseel binne die munisipale gebied te inspekteer ten einde te bepaal of daar aan die bepalings van die verordening voldoen word; met dien verstande dat 'n private woning nie vir roetine inspeksie doeleindes betree mag word sonder die toestemming van die eienaar of okkupeerder nie.
- (2) Wanneer 'n perseel ingevolge subartikel (1) binnegegaan word, moet die gemagtigde werknemer op versoek van enige persoon, hom/haarself identifiseer deur 'n geskrewe bewys van magtiging te toon.
- (3) Die gemagtigde werknemer mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help in die uitvoer van die inspeksie.
- (4) Iemand wat versuim of weier om toegang te verleen aan 'n behoorlik gemagtigde werknemer van die munisipaliteit indien hy toegang tot grond of 'n perseel versoek, of wat hom dwarsboom of hinder in die uitvoering van sy pligte kragtens hierdie verordening, of wat versuim of weier om inligting te verstrek wat wettiglik van hom vereis kan word of vals of misleidende inligting aan sodanige behoorlik gemagtigde werknemer van die munisipaliteit verstrek, welwetende dat dit vals of misleidend is, is skuldig aan 'n misdryf.

9. BEDIENING VAN DOKUMENTE EN GEREGTELIKE STAPPE

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees:
 - a. wanneer dit persoonlik aan hom afgelewer is;
 - b. wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestiën jaar is;
 - c. wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
 - d. indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c), of;
 - e. indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het.

- (2) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument bedien moet word aan 'n persoon sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

10. STRAWWE

Iedereen wat enige bepaling van hierdie verordening oortree of nalaat om daaraan te voldoen is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf, of gevangenisstraf sonder die keuse van 'n boete, of beide sodanige boete en sodanige gevangenisstraf en in die geval van 'n voortdurende misdryf, met 'n boete vir elke dag wat sodanige misdryf voortduur; en 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

11. VRYSTELLINGS

Nieteenstaande die bepalings van die verordening, mag die munisipaliteit enige persoon of klas van persone vrystel van enige of al hierdie vereistes en mag dit enige ander vereistes oplê wat dit as geskik beskou.

12. GEMEENSKAPSKELFORUMS

- (1) Die Munisipaliteit mag skakelforums in 'n gemeenskap instel vir die doel om:
- a. geleentheid vir die gemeenskap te skep om deel te neem aan die aangeleentheid van die munisipaliteit;
 - b. die bevordering van 'n veilige en gesonde omgewing;
- (2) 'n Skakelforum mag bestaan uit:
- a. lid of lede van 'n belangegroep, of geaffekteerde persoon;
 - b. 'n lid of lede van die gemeenskap; en
 - c. 'n aangewese beampte of beamptes van die Munisipaliteit; en
- (3) Die Munisipaliteit mag wanneer 'n aansoek om toestemming, permit of vrystelling sertifikaat oorweeg word ingevolge hierdie verordening, waar van toepassing, die insette van 'n skakelforum versoek.
- (4) 'n Skakelforum of enige persoon of persone bedoel in subartikel (2) mag op eie inisiatief, 'n inset aan die Munisipaliteit vir oorweging stuur.

13. HERROEPING VAN VERORDENINGE

Die volgende verordeninge en die bepalings van enige verordening wat met die bepalings van hierdie verordening instryd is word hiermee herroep:

VERORDENINGE WAT HERROEP WORD	PROVINSIALE KENNISGEWING
Verordening insake die beheer van oorlaste Swellendam Munisipale Area	PK6751 of 28 Mei 2010
Verordening insake die beheer van oorlaste Swellendam alleen	PK 0285/1972
Verordening insake die beheer van oorlaste Barrydale alleen	PK 0125/1974 en PK 0621/1994
Diere Barrydale alleen	PK 0862/1989
Aanhou van bye Barrydale alleen	PK 0275/1955
Skoonhou van persele Swellendam alleen	PK 0409/1976
Skoonhou van persele Barrydale alleen	PK 0124/1974 en PK 0603/1988
Vervalte, onooglike en verwerplike geboue en strukture Barrydale alleen	PK 0126/1974
Beheer van luidsprekers Barrydale alleen	PK 0277/1955
Beheer van luidsprekers Swellendam alleen	PK 0029/1955

14. KORT TITEL EN INWERKINGTREDING

Die verordening sal bekend staan as die Swellendam Verordening insake Openbare Oorlaste en tree in werking op die datum waarop dit in die Provinsiale Koerant gepubliseer word.

SWELLENDAM MUNICIPALITY: AIR QUALITY CONTROL BY-LAW

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

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PART 1

INTERPRETATION AND OBJECTIVES

1. Definitions

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

“adverse effect” means any actual or potential impact on the environment that impairs, or would impair the environment or any aspect of it to an extent that is more than trivial or insignificant;

“air pollutant” means any substance (including but not limited to dust, smoke, fumes and gas) that causes or may cause air pollution;

“air pollution” means any change in the environment caused by any substance emitted into the atmosphere from any activity, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on materials useful to people, or will have such an effect in the future;

“air pollution control zone” means the geographical area to which Part III of the bylaw is declared to apply;

“atmosphere” means air that is not enclosed by a building, machine, chimney or other such structure;

“atmospheric emission” or **“emission”** means energy or substance or combination of substances emanating from a point, non-point or mobile source that results in air pollution;

“authorised person” means any person authorised by the municipality to implement any provision of this by-law;

“best practicable means” means the most effective measures that can reasonably be taken to prevent, reduce or minimize air pollution, having regard to all relevant factors including, among others, local conditions and circumstances, the likelihood of adverse effects, the current state of technical knowledge and the financial implications relative to the degree of environmental protection expected to be achieved by application or adoption of the measures;

“chimney” means any structure or opening of any kind from or through which air pollutants may be emitted;

“compressed ignition powered vehicle” means a vehicle powered by an internal combustion, compression ignition, diesel or petrol driven engine;

“dark smoke” means in respect of Part VII of this by-law: smoke which has a density of 60 Hartridge smoke units or more, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a density of 66 Hartridge smoke units or more; or

(b) smoke which has a light absorption co-efficient of more than 2.125 m, provided that in relation to emissions from turbo-charged compressed ignition powered engines, it means a light absorption coefficient of more than 2.51 m;

“dust” means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

“dwelling” means any building or other structure, or part of a building or structure, used as a dwelling, and any outbuildings ancillary to it, but excludes shacks and informal settlements;

“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 (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;

“free acceleration test” means the method described in section 18(2) employed to determine whether vehicles are being driven or used in contravention of section 15(1);

“fuel-burning equipment” means any furnace, boiler, incinerator, or other equipment, including a chimney excluding controlled emitters and listed activities.

(a) designed to burn or capable of burning liquid, gas or solid fuel;

(b) used to dispose of any material or waste by burning; or

(c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

“fumes” means any pungent or toxic vapour, gas, or smoke including but not limited to diesel fumes, spray painting fumes and exhaust fumes.

“light absorption meter” means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

“living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms and viruses;

“mobile source” means a single identifiable source of atmospheric emission which does not emanate from a fixed location;

“municipality” means the Swellendam Municipality and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

“municipal manager” means a person appointed as such by the municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**non-point source**” means a source of atmospheric emissions which cannot be identified as having emanated from a single identifiable source or fixed location, and includes veld, forest and open fires, mining activities, agricultural activities and stockpiles;

“**nuisance**” means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well-being of any person or living organism; or
- (b) the use or enjoyment by an owner or occupier of his or her property;
- (c) the ordinary comfort, convenience, peace or quiet of another person; and
- (d) the natural state of the environment;

“**offensive odours**” means any smell which is considered to be malodorous or a nuisance to a reasonable person;

“**open burning**” means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and “burning in the open” has a corresponding meaning;

“**operator**” means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

“**point source**” means a single identifiable source and fixed location of atmospheric emission, and includes smoke stacks and residential chimneys;

“**proclaimed township**” means any land unit zoned and utilized for residential purposes;

“**person**” means a natural person or a juristic person;

“**premises**” means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the municipality or the precincts of any harbour;

“**public road**” means a road which the public has the right to use;

“**smoke**” means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

“**vehicle**” means any motor, car, motor carriage, motor cycle, bus motor lorry or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power.

2. Purpose and objectives

(1) The purpose and objectives of this by-law is:

(a) to give effect to the right contained in section 24 of the Constitution of the Republic of South Africa, 1996 by controlling air pollution within the area of the municipality’s jurisdiction; and

(b) to ensure that air pollution is avoided, or where it cannot be altogether avoided, is minimized and remedied.

The municipality, aware of the Constitutional right of every person to an environment that is not harmful to his or her health or well-being adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Municipalities area by providing, in conjunction with applicable laws, a legal and administrative framework within which the municipality can develop and manage its obligations.

(3) In the implementation and enforcement of this by-law, the municipality may take into consideration the realities of the Municipal area, the different customs, cultures, circumstances, geographical areas, kinds of property levels of development and conventions and the municipality may use the devices provided for in this by-law, including the application of different norms, standards and guidelines, the granting of exemptions and the utilisation of liaison forums as contemplated in section 34 of this by-law.

PART II

DUTY OF CARE

3. Duty to take care

(1) Any person who is wholly or partially responsible for causing air pollution or creating a risk of air pollution occurring must take all reasonable measures:

(a) to prevent any potential air pollution from occurring; and

(b) to mitigate and, as far as reasonably possible, to remedy any air pollution that has occurred.

(2) The municipality may monitor the impact and effectiveness of the measures taken in terms of subsection (1) and, if necessary, issue instructions to a person contemplated in subsection (1) with regard to specific measures to be undertaken.

(3) The municipality may direct any person who fails to take the measures required under subsection (1) –

(a) to investigate, evaluate and assess the impact of specific activities and report thereon;

(b) to commence taking effective control measures to abate the air pollution before a given date;

(c) to diligently continue with those measures; and

(d) to complete the measures before a specified reasonable date.

(4) Should a person fail to comply, or inadequately comply, with a directive under subsection (3), the municipality may take reasonable measures to remedy the situation.

(5) If any person fails to take the measures required of him or her under subsection (1) or (2), the municipality may recover all reasonable costs incurred as a result of it acting under subsection (4) from any or all of the following persons –

(a) any person who is or was responsible for, or who directly or indirectly contributed to, the air pollution or the potential air pollution;

(b) the owner of the land at the time when the air pollution or the potential for air pollution occurred, or that owner's successor in title;

(c) the person in control of the land or any person who has or had a right to use the land at the time when –

(i) the activity or the process in question is or was performed or undertaken; or

(ii) the situation came about; or.

(d) any person who negligently failed to prevent –

(i) the activity or the process being performed or undertaken; or

(ii) the situation from coming about.

(6) If more than one person is liable under subsection (5), the liability may be apportioned among the persons concerned according to the degree to which each was responsible for the harm to the environment resulting from their respective failures to take the measures required under subsection (1), (2) and (3);

PART III

DESIGNATION OF THE AIR QUALITY OFFICER AND ENVIRONMENTAL

MANGEMENT PRACTITIONERS

4. Designation or appointment of the air quality officer and environmental management practitioners

(1) The Municipal Manager must designate or appoint an employee of the Municipality or any person as the air quality officer to be responsible for co-ordinating matters pertaining to air quality management within the Municipality.

The Municipal Manager may request the MEC responsible for environment in the Province to appoint environmental management practitioners in terms of section 31C of the NEMA.

5. Duties and functions of the air quality officer and environmental management officers

(1) The air quality officer must —

(a) co-ordinate the development of the air quality management plan for inclusion in the Integrated Development Plan of the Municipality, in accordance with Chapter 5 of the Systems Act;

(b) prepare an annual report of the Municipality on air quality;

(c) exercise the duties and powers assigned to him or her under this Bylaw under the directions of the Municipal Manger or his/ her delegate ; and

(d) submit the annual report referred to in paragraph (b) to the air quality officer appointed by the MEC responsible for environment in the Province.

(2) The annual report referred to in subsection (1)(b) must, amongst others, include the progress of the Municipality towards the implementation of the air quality management plan.

(3) The air quality officer may require the holder of a provisional atmospheric emission licence or the holder of an atmospheric emission licence to designate an emission control officer as contemplated in section 48 of the Air Quality Act

PART IV

AIR POLLUTION CONTROL ZONE

6. Declaration of air pollution control zone

(1) The whole area within the jurisdiction of the municipality is hereby declared an air pollution control zone.

(2) Within an air pollution control zone the municipality may from time to time by notice in the Provincial Gazette:

(a) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;

(b) prohibit or restrict the combustion of certain types of fuel;

(c) prescribe different requirements in an air pollution control zone relating to air quality in respect of:

(i) different geographical portions;

(ii) specified premises;

(iii) classes of premises; or

(iv) premises used for specified purposes.

(3) The municipality may develop and publish policies and guidelines, including technical guidelines, relating to the regulation of activities which directly and indirectly cause air pollution within an air pollution control zone.

(4) Subject to section 36, the municipality may in writing exempt certain premises, classes of premises or premises used for specified purposes from the operation of measures adopted by the municipality under this section.

PART V

SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

7. Application

For the purposes of this Part, "premises" does not include dwellings.

8. Prohibition

(1) Subject to subsection (2), smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) This section does not apply to smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

(3) If smoke is emitted in contravention of subsection (1) the owner, operator and/or the occupier of the premises shall be guilty of an offence.

9. Installation of fuel-burning equipment

(1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the municipality, which may only be given after consideration of the relevant plans and specifications.

(2) Any fuel-burning equipment installed, altered, extended or replaced on premises in accordance with plans and specifications submitted to and approved, for the purposes of this section, by the municipality shall be presumed until the contrary is proved to comply with the provisions of subsection (1).

(3) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):

(a) the owner and occupier of the premises and the installer of the fuel burning equipment shall be guilty of an offence;

(b) the municipality may, on written notice to the owner and occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

Operation of fuel-burning equipment

(1) No person shall use or operate any fuel-burning equipment on any premises contrary to the authorization referred to in section 9.

(2) Where fuel-burning equipment has been used or operated on the premises in contravention of subsection (1):

(a) the owner and occupier of the premises and the operator of the fuel burning equipment shall each be guilty of an offence;

(b) The municipality may on written notice to the owner and occupier of the premises:

(i) revoke its authorization under section 9;

(ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

11. Presumption

In any prosecution for an offence under section 8 smoke shall be presumed to have been emitted from premises if it is shown that any fuel or material was burned on the premises and the circumstances were such that the burning would be reasonably likely to give rise to the emission of smoke, unless the owner, occupier or operator, as the case may be, shows that no smoke was emitted.

12. Installation and operation of measuring equipment

An authorised person may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate measuring equipment at his or her own cost; if:

(a) unauthorised and unlawful emissions of smoke from the relevant premises have occurred consistently or regularly;

(b) fuel-burning equipment has been or is intended to be installed on the relevant premises which is reasonably likely in the opinion of an authorised person to emit smoke;

(c) the person on whom the notice is served has been convicted more than once under this Part V and has not taken adequate measures to prevent further contravention of the provisions of this Part; or

(d) the authorised person considers that the nature of the air pollutants emitted from the relevant premises is reasonably likely to create a hazard or nuisance to human health or the environment.

13. Monitoring and sampling

(1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install air pollution measuring equipment in terms of section 12 must:

(a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;

(b) if requested to do so by an authorised person, produce the record of the monitoring and sampling results for inspection;

(c) if requested to do so by an authorised person, provide a written report (in a form and by a date specified by the authorised person) of part or all of the information in the record of the monitoring and sampling results; and

(d) ensure that the air pollution measuring equipment is calibrated at least once per year or at intervals as specified by the manufacturer of the equipment and provide records of such calibration on request by the authorised person.

14. Exemption

(1) Subject to section 30 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this Part.

(2) Any exemption granted under subsection (1) must state at least the following:

(a) a description of the fuel-burning equipment and the premises on which it is used or operated;

(b) the reasons for granting the exemption;

(c) the condition attached to the exemption, if any;

(d) the period for which the exemption has been granted; and

(e) any other relevant information.

PART VI

SMOKE EMISSIONS FROM DWELLINGS

15. Smoke emissions from dwellings

(1) Subject to section 6(2), no person shall emit or permit the emission of smoke from any dwelling that may cause a nuisance.

(2) Any person who emits or permits the emission of smoke in contravention of subsection (1) commits an offence.

(3) Subject to section 30 and on application in writing by the owner or occupier of any dwelling, the municipality may grant temporary exemption in writing from one or all of the provisions of this Part.

PART VII

EMISSIONS CAUSED BY OPEN BURNING

16. Emissions caused by open burning

(1) Subject to subsection (4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the municipality, which may include the imposition of further conditions with which the person requesting authorization must comply, has been obtained.

(2) The municipality may not authorize open burning under subsection (1) unless it is satisfied that:

(a) the applicant in terms of subsection (1) has investigated and assessed every reasonable alternative for reducing, re-using or recycling the material in order to minimize the amount of material to be burnt in the open, to the satisfaction of the municipality;

(b) no warning has been published for the region in terms of section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998);

(c) the open burning will not pose a nuisance or potential hazard to human health or safety, private property or the environment; and

(d) the prescribed fee has been paid to the municipality.

(3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.

(4) The provisions of this section shall not apply to:

(a) recreational outdoor barbecue or braai activities on private premises;

(b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or

(c) any other defined area or defined activity to which the municipality has declared this section not to apply.

PART VIII

EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

17. Prohibition

(1) No person may drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.

(2) If dark smoke is emitted in contravention of subsection (1) the owner and the driver of the vehicle shall each be guilty of an offence.

(3) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

18. Stopping of vehicles for inspection and testing

(1) In order to enable an authorised person to enforce the provisions of this Part, the driver of a vehicle must comply with any reasonable direction given by an authorised person:

- (a) to stop the vehicle; and
- (b) to facilitate the inspection or testing of the vehicle.

(2) Failure to comply with a direction given under subsection (1) is an offence.

(3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorised person may:

(a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:

- (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
- (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or

(b) conduct a visual inspection of the vehicle and, if the authorised person reasonably believes that an offence has been committed under section 17(2), instruct the driver of the vehicle, who is presumed to be the owner of the vehicle unless he or she produces evidence to the contrary, in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 19.

19. Testing procedure

(1) An authorised person must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 17(1).

(2) The following procedure must be adhered to in order to conduct a free acceleration test:

(a) when instructed to do so by the authorised person, the driver must start the vehicle, place it in neutral gear, engage the clutch and disengage the exhaust brake;

(b) the authorised person or the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle;

(c) while the throttle pedal is depressed, the authorised person must measure the smoke emitted from the vehicle's emission system with a Hartridge Smoke meter, or any other relevant meter, in order to determine whether or not it is dark smoke; and

(d) the authorised person or the driver of the vehicle may only release the throttle pedal of the vehicle, when directed to do so by the authorised person.

(3) If, having conducted the free acceleration test, the authorised person is satisfied that the vehicle:

(a) is not emitting dark smoke, then the authorised person must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 17(1); or

(b) is emitting dark smoke, the authorised person must issue the driver of the vehicle with:

- (i) a notice to pay a fine in terms of section 341 of the Criminal Procedure Act, Act 51 of 1977; or
- (ii) a repair notice in accordance with section 20.

20. Repair notice

(1) A repair notice must direct the owner of the vehicle to take the vehicle to a place identified in the notice for re-testing.

(2) The repair notice must contain the following information:

- (a) the make, model and registration number of the vehicle;
- (b) the name, address and identity number of the driver of the vehicle; and,
if the driver is not the owner, the name and address of the vehicle owner;
- (c) the measures required to remedy the situation; and
- (d) the time period within which the owner of the vehicle must comply with the repair notice.

(3) A person who fails to comply with the requirements and conditions of the notice in terms of sub section (1) commits an offence.

(4) It shall not be a defence in proceedings under subsection (3) to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

PART IX

EMISSIONS THAT CAUSE A NUISANCE

21. Prohibition

- (1) No person may create or permit emissions that cause a nuisance.
- (2) Any person who contravenes subsection (1) commits an offence.

22. Compliance notice

(1) An authorised person may serve a notice on any person whom he or she reasonably believes is likely to commit or has committed an offence under section 21, calling upon that person;

- (a) to abate the nuisance within a period specified in the notice;
- (b) to take all necessary steps to prevent a recurrence of the nuisance; and
- (c) to comply with any other conditions contained in the notice.

(2) For the purposes of subsection (1), an authorised person may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.

(3) A compliance notice under subsection (1) may be served:

(a) upon the owner of any premises, by:

(i) delivering it to the owner, or if the owner cannot be traced or is living abroad that person's agent;

(ii) transmitting it by registered post to the owner's last known address, or the last known address of the agent; or

(iii) delivering it to the address where the premises are situated, if the owner's address and the address of the agent are unknown;

(b) upon the occupier of the premises, by:

(i) delivering it to the occupier;

(ii) transmitting it by registered post to the occupier at the address at which the premises are situated.

(4) Any person who fails to comply with a compliance notice served on that person in terms of subsection (1) commits an offence.

(5) In addition to any other penalty that may be imposed, a court may order a person convicted of an offence under subsection (4) to take steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the nuisance.

23. Steps to abate nuisance

At any time, the municipality may at its own cost take whatever steps it considers necessary in order to remedy the harm caused by the nuisance and prevent a recurrence of it, and may recover the reasonable costs so incurred from the person responsible for causing the nuisance.

24. Spray Painting Emissions

(1) No person shall, within the municipality's jurisdiction, spray, coat, plate, or epoxy-coat any vehicle, article, object or allow them to be sprayed, coated, plated, or epoxy-coated with any substance outside approved spray painting room or booth.

(2) 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 substance unless:

(a) that person is in possession of a spraying authorisation contemplated in subsection (1);

(b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the designated fire officer, in consultation with the air quality officer, on premises registered for that purpose.

(3) A person that contravenes subsections (1) and (2) commits an offence.

(4) Any person who wishes to obtain a spraying authorisation must complete and submit to the designated fire officer an application form for such permit in the form and manner as prescribed.

(5) The designated fire officer, in consultation with the air quality officer, may grant or refuse a spraying authorisation contemplated in subsection (1) based on the information submitted.

(6) A spray room or booth or area designated for the application of a substance must be constructed and equipped according to the requirements in Schedule 6 to this by-law.

(7) The designated fire officer may cancel the spraying authorisation if there is reason to believe that the holder of the spraying authorisation contravenes or fails to comply with any provision of this by-law.

(8) Subject to subsection (9), before the designated fire officer cancels the spraying authorisation as contemplated in subsection (7), that officer must:

(a) give the holder of the spraying authorisation written notice of the intention to cancel the spraying authorisation and the reasons for such cancellation;

(b) give the holder a period of at least 30 days to make written representations regarding the matter to the municipality.

(9) If the designated fire officer has reason to believe that the failure to cancel the spraying authorisation may endanger any person, that officer may cancel the spraying authorisation without prior notice to the holder as contemplated in subsection (7).

25. Sand Blasting Emissions

(1) Any person conducting sand blasting activities which customarily produce emissions of dust that may be harmful to public health, well-being and/or cause a nuisance shall take control measures to mitigate the harmful effects of emissions into the atmosphere.

(2) Any person who undertakes any sand blasting activity that causes dust emissions must implement the following control measure:

(a) dust extraction control measure; or

(b) any alternative dust control measure approved in writing by the air quality officer.

(3) A person that contravenes subsections (1) and (2) commits an offence.

PART X

OFFENSIVE ODOURS

26. Control of offensive odours

(1) The occupier or owner of any premises must take all reasonable steps to prevent the emission of any offensive odour caused by any activity on such premises.

(2) Any person who emits or permits the emission of any offensive odour in contravention of subsection (1) commits an offence.

PART XI

DUST NUISANCE

27. Control of dust

(1) The occupier or owner of any premises must take all reasonable steps to prevent the creation of nuisance by dust caused by any activity on such premises.

(2) Any person who emits or permits the emission of dust in contravention of subsection (1) commits an offence.

PART XII**FUME NUISANCE****28. Control of fumes**

(1) The occupier or owner of any premises must take all reasonable steps to prevent the nuisance by fumes caused by any activity on such premises.

(2) Any person who emits or permits the emission of fumes in contravention of subsection (1) commits an offence.

PART XIII**PESTICIDE AND/OR HERBICIDE SPRAYING EMISSIONS****29. Pesticide and/or Herbicide Spraying Emissions**

(1) No person may carry out or permit the spraying of pesticides and/or herbicides, except as permitted by:

- (a) section 3 of the Fertilisers, Farm Feeds, Agricultural Remedies and;
- (b) Stock Remedies Act, 1947 (Act No. 36 of 1947).

(2) Any person who contravenes subsection (1) of this by-law is guilty of an offence, as set out in section 18(1)(c) of the Fertilisers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947).

(3) A person who carries out or permits the spraying of pesticides and/or herbicides, within the municipal jurisdiction, must also comply with the following controlled measures:

(a) the prior written authorisation of the Council must be obtained, which authorisation may be granted by the Council with conditions, including-

- (i) the area of land on which the pesticide and/or herbicide may be applied; and
- (ii) the period of time in which the pesticide and/or herbicide may be applied.

(b) the applicant must notify in writing the owners and occupiers of all adjacent properties within 150 metres of the treatment area of:

- (i) the details of the proposed treatment area;
- (ii) the reason for the pesticide and/or herbicide use;
- (iii) the active ingredient;
- (iv) the date and approximate time of the pesticide and/or herbicide use;
- (v) in the event of inclement weather conditions, an alternative date or dates on which the pesticide and/or herbicide use may occur;
- (vi) the time, if any, indicated on the product label specifying when the area can safely be re-entered after application;

(vii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed spraying of pesticides and/or herbicides with the Council within seven days of being notified; and

(viii) the prescribed fee has been paid to the Council.

(4) Any person who contravenes subsection (3) is guilty of an offence.

(5) A person may apply to the Council for an exemption if the spraying of the pesticide and/or herbicide is for:

(a) the management of pests that transmit human diseases or adversely impact agriculture or forestry;

(b) the management of pests that threaten the integrity of sensitive ecosystems; or

(c) the need for the use of the pesticide or herbicide is urgent.

(6) The provisions of this section are not applicable to:

(a) residential areas of farms;

(b) buildings or inside buildings;

(c) domestic use of pesticides or herbicides; or

(d) any other defined area or defined activity to which the Council has declared this section not to apply.

PART XIV

GENERAL PROVISIONS

30. Appeal

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

(2) Pending confirmation, variation or revocation of the decision against which the appeal is lodged, any person appealing the said decision, unless the municipality provides otherwise:

(a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and

(b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

31. Municipality

This by-law is binding on every person or entity within the Municipal Jurisdiction.

32. Co-operation between municipalities and organs of state

(1) In an effort to achieve optimal service delivery in terms of this By-law, the Council may enter into any written agreements with any person, organ of state or organisation with which legislative and executive powers are shared, in respect of the following-

- (a) the practical arrangements with regard to the execution of the provisions of this By-law;
- (b) the recovery of costs and expenses related to any action in terms of this By-law;
- (c) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law.

(2) The Municipality 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 Municipality has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of this By-law.

33. Policy

The Municipality may adopt and implement a policy indicating measures for the regulation of Air Quality, and activities and to provide for matters incidental thereto.

34. Conflict

(1) In the event of a conflict within any other by-law which directly or indirectly regulates air pollution, the provisions of this by-law shall prevail.

(2) In the event of a conflict with the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004) the provisions of these Acts will prevail within the area of jurisdiction of the Municipality.

35. Offences and penalties

(1) Any person who contravenes any provision of this by-law commits an offence and shall, upon conviction, be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

(2) It is an offence to:

(a) supply false information to an authorised person in respect of any issue pertaining to the by-law, or;

(b) to refuse to co-operate with the request of an authorised person made in terms of this by-law.

(3) Failure to comply with a notice, direction or instruction referred to in this bylaw constitutes a continuing offence.

(4) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law:

(a) to remedy the harm caused;

(b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and

(c) to install and operate at the person's own expense air pollution measuring equipment in accordance with the provisions of section 13

36. Exemptions

(1) The municipality may grant temporary exemption in writing from one or all of the provisions of Parts III, IV and V, provided that the municipality:

(a) is satisfied that granting the exemption will not significantly prejudice the purpose referred to in section 2(1); and

(b) grants any exemption subject to conditions that promote the attainment of the purpose referred to in section 2(1).

(2) The municipality may not grant an exemption under subsection (1) until the municipality has:

(a) taken reasonable measures to ensure that all persons whose rights may be significantly detrimentally effected by the granting of the exemption, including but not limited to adjacent land owners or occupiers, are aware of the application for exemption and how to obtain a copy of it;

(b) provided such person with a reasonable opportunity to object to the application; and

(c) duly considered and taken into account any objections raised

37. Savings

Anything done or deemed to have been done under any other law remains valid to the extent that it is consistent with this by-law or until anything done under this bylaw overrides it.

38. Repeal of by-laws

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

39. Indemnity

The Municipality shall not be liable for any damage caused to any property or premises by any action or omission of the employees or officials of the Overberg District Municipality when exercising any function or performing any duty in terms of this By-law.

40. Short title and commencement

This by-law shall be known as the Air Pollution Control By-law of the Swellendam Municipality and comes into operation on the date of publication thereof in the Provincial Gazette.

KNYSNA MUNICIPALITY

By-law for the Control of Undertakings that Sell Liquor to the Public, 2014

To provide for the control of undertakings that sell liquor to the public within the area of jurisdiction of the Knysna Municipality; permitted trading times; a safe and healthy environment and to provide for matters related thereto.

Preamble

WHEREAS a municipality may, in terms of section 156 of the Constitution, make and administer by-laws for the effective administration of matters which it has the right to administer;

WHEREAS it is the intention of the Municipality to set trading times and enforcement mechanisms for the control of licensed premises that sell liquor to the public and which are situated within the jurisdiction of the Knysna Municipality.

NOW THEREFORE, BE IT ENACTED by the Council of the Knysna Municipality, as follows:-

INTERPRETATION

DEFINITIONS

1. In this by-law, unless the context indicates otherwise —

“Act” means the Western Cape Liquor Act (Act 4 of 2008) as may be amended and the regulations in terms thereof;

“authorised official” means an employee of the Municipality who has been authorised to enforce this By-Law or an inspector appointed in terms of section 73(4) of the Act;

“designated liquor officer” means a person designated as such in terms of section 73(1) of the Act;

“guest accommodation establishment” means residential premises zoned to provide lodging, meals and other guest services for transient guests for compensation and includes:

- (a) a backpacker's lodge;
- (b) a bed-and-breakfast establishment
- (c) a guest house and guest farm or lodge and;
- (d) facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“hotel” means premises used to provide lodging, meals and other guest services for transient guests for compensation, and includes —

- (a) a restaurant or restaurants forming part of the hotel;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as a hotel; and

- (c) premises which are licensed to sell liquor for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

“licensed premises” means the premises upon which liquor may sold, consumed or stored in terms the Act;

“licensee” means a person to whom a liquor licence has been issued in terms of the Act and includes the manager appointed in terms of the Act, a person acting for or on behalf of such licence holder or manager and any person employed or in the service of such license holder or manager;

“liquor” means any liquor product, liquid or substance as defined in the Act or the Liquor Products Act (Act 60 of 1989) as may be amended and the regulations in terms thereof;

“motor vehicle” means a vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity, including a trailer or an agricultural or other implement designed or adapted to be drawn by such vehicle and vehicles designed or adapted to transport passengers;

“Municipality” means the Knysna Municipality, a municipality established by the section 12 notice issued in terms of the Local Government: Municipal Structures Act or any political structure, political office bearer or employee of the Municipality acting in terms of delegated authority

“night club” means any place of entertainment which may generate noise from karaoke, amplified or live music or revelry and includes a theatre, amusement park and dance hall;

“premises” means a place, land, building, or part of a building or motor vehicle;

“residential” means an area defined as residential by the Municipality and indicated as such by a certificate issued in terms of section 9 of this by-law;

“sell” means to —

- (a) supply, avail, offer, advertise or expose; or
- (b) exchange for money or to dispose of liquor in any way for any type of consideration,

and **“sale”** and **“sold”** have corresponding meanings;

“standard trading times” means trading days and trading hours as contemplated in sections 4 and 5 of this By-law, and excludes extended trading days and hours that may be approved by the Municipality in terms of section 6 of this By-law;

“tourist facility” means an amenity for tourists such as a wine producing farm, liquor tasting facility, lecture room, restaurant, gift shop and liquor outlet where only liquor manufactured on the premises is sold to the public;

“**weapon**” means any object, including a firearm, capable of causing death or inflicting bodily harm;

“**Western Cape Liquor Authority**” means the independent juristic person established by section 2 of the Act; and

“**zoning**” means a method of development management that designates land in accordance with provisions and rules concerned with categorizing land according to usage and purpose, the extent of which is contained in the Municipality's Zoning Scheme Regulations;

and “**zoned**” has a corresponding meaning.

APPLICATION

2. This By-law is applicable to licensees that sell liquor to the public within the jurisdiction of the Municipality.

GENERAL PROHIBITION

3. A licensee may not sell liquor for consumption on or off the licensed premises-
 - (a) other than in accordance with this by-law;
 - (b) outside the days and hours that have been determined by the Municipality; or
 - (c) without valid liquor licence that has been issued as contemplated in the Act.

STANDARD TRADING TIMES

Trading days and hours for sale and consumption of liquor on the licensed premises

4. (1) A licensee may, subject to the terms as stated below, sell liquor for consumption on the licensed premises on the days of the week and during the hours as set out in the Schedule attached hereto.
- (2) A licensee who sells liquor for consumption on the licensed premises may not allow any consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted.
- (3) A licensee in respect of a hotel or guest accommodation establishment: -
 - (a) may provide access to a pre stocked bar facility inside a private suite or room for the enjoyment of a guest occupying such private suite or room; and
 - (b) may not restock such bar facility during the hours the establishment is not allowed to sell liquor.
- (4) A licensee in respect of a hotel or guest accommodation establishment may not provide liquor to guests or visitors outside of the standard trading times unless in accordance with subsection (4);

TRADING DAYS AND HOURS FOR SALE OF LIQUOR OFF THE LICENSED PREMISES

5. (1) A licensee for consumption off the licensed premises may sell liquor on the days of the week and during the hours as set out in the Schedule attached hereto.

EXTENDED TRADING TIMES

APPLICATION FOR EXTENDED TRADING DAYS AND HOURS

6. (1) A licensee may, upon payment of the required fee, submit a written application to the Municipality to extend the trading days and hours in respect of a licensed premises.
- (2) The Municipality may refuse or approve such application with or without terms and conditions.
- (3) No rights accrue to any person who has applied for an extension of trading days and hours before the receipt of approval from the Municipality.

The Municipality must, when considering an application for the extension of trading days and hours, consider factors which may include: —

- (a) the outcome of community consultation;
- (b) the public interest ;
- (c) the proximity of the licensed premises to a residential area, cultural, religious or educational facility;
- (d) the planning and zoning requirements of the Municipality;
- (e) the validity of a business license issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991) where applicable;
- (f) the potential impact on the tranquillity and well-being of the community;
- (g) previous suspension, amendment or revocation of extended trading days and hours;
- (h) the validity of the liquor license;
- (i) reports from the Western Cape Liquor Authority, the South African Police Services and law enforcement section of the municipality; and
- (j) the applicant's comments in respect of paragraphs (a) to (i) and the steps proposed to mitigate —
 - [i] the risks to the surrounding community;
 - [ii] nuisances on the surrounding community;
 - [iii] the possible benefits of extended liquor trading hours and days on the surrounding community.

REVOCACTION OF CONSENT FOR EXTENDED LIQUOR TRADING DAYS AND HOURS

7. (1) An authorised official may with immediate effect, by written notice, revoke consent for extended trading days and hours, upon failure by the licensee to comply with any condition of the consent for the extended trading days and hours.
- (2) An authorised official must, within 48 hours, of revoking the consent for extended trading days and hours, deliver copies of such revocation to the Western Cape Liquor Authority, the designated liquor officer for that area and the municipal manager of the Municipality.
- (3) The Municipality and / or the Western Cape Liquor Authority is not liable for any loss of income suffered by a licensee as a result of a revocation of consent.

PREVENTION OF ILLEGAL SALE OF LIQUOR AND SEIZURE OF LIQUOR

8. (1) An authorised official may temporarily close a licensed premises and / or in terms of the Criminal Procedure Act (51 of 1977) seize and / or impound any liquor offered for sale on a licensed premises in contravention of: —
- (a) the Municipal zoning scheme;
- (b) this by-law; or
- (c) the conditions, imposed by the Western Cape Liquor Authority or the Municipality, in respect of that licensed premises.
- (2) The Municipality may recover from the licensee all costs incurred by the Municipality to temporarily close the premises and to seize or impound liquor as contemplated in subsection (1).

OBLIGATIONS ON THE LICENSEE

DISPLAY OF SIGNAGE AND CERTIFICATES

9. (1) A licensee must, to the satisfaction of the authorised official, ensure that following certificates are prominently displayed inside the licensed premises:
- (a) the certificate issued by the Municipality stating the zoning or land use in respect of the premises for purposes of this by-law; and
- (b) the population certificate in respect of the premises issued in terms of the Fire Safety by-law of the Municipality.
- (2) A licensee must, to the satisfaction of the authorised official, ensure that the following information is prominently displayed on the front door or window of the premises in characters not less than five centimetres in height:
- (a) the liquor license number under which liquor may be sold; and
- (b) the hours during which liquor may be sold.

SAFETY AND SECURITY

10. (1) A licensee must ensure compliance with all applicable legislation.

- (2) A licensee must ensure that reasonable and adequate safety and security measures are in place for the protection of patrons by ensuring, amongst others but not limited to, that —
 - (a) the storage of goods and equipment and the condition of the premises and any structure there on do not endanger the lives of patrons inside the premises; and
 - (b) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

LIQUOR PREMISES MUST BE WEAPON FREE

11. (1) A licensee must ensure that no weapons or sharp objects are permitted inside on consumption liquor premises.
- (2) A licensee may not allow any person to bring a weapon or sharp object onto the licensed premises.

NUISANCES

12. (1) A licensee must take all reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected or inconvenienced by noise or other nuisances emanating from the licensed premises.
- (2) A licensee must at all times keep the licensed premises clean and free from pollution and litter.
- (3) A licensee must at all times keep the licensed premise and public areas surrounding the licensed premises: -
 - (a) free of litter, pollution and liquor containers; and
 - (b) hygienic and free of noxious odours.
- (4) The licensee must at all times prevent loitering by patrons outside the liquor premises.
- (5) A licensee must ensure that all sales of liquor are confined to the licensed premises.
- (6) A licensee must in respect of off consumption premises ensure that no liquor is consumed on the premises or in public in the vicinity of the premises.
- (7) A licensee must in respect of on consumption premises ensure that no liquor is taken from the premises.

DELEGATIONS

13. The Municipality may delegate any power or function in terms of this by-law to a political structure, political office bearer or an official of the municipality.

INDEMNITY

- 14.** The municipality, Western Cape Liquor Authority and any of their employees are not liable for any damages or costs as a result of any action undertaken in the execution of their duties in terms of this by-law.

OFFENCES AND PENALTIES

- 15.** A licensee who contravenes or fails to comply with a —

- (a) provision of this By-law;
- (b) condition or instruction in connection with this by-law; or
- (c) notice from an authorised official,

is guilty of an offence and is liable to a fine, or upon conviction, to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

REPEAL OF PREVIOUS BY-LAWS

REPEAL

- 16.** The following By-law are hereby repealed:
- (a) The Knysna Municipality Liquor Trading Days and Hours By-law,

SHORT TITLE

- 17.** This by-law is called the Control of Undertakings that Sell Liquor By-Law 2014.

Schedule 1
Standard Trading Days and Hours

COLUMN 1	COLUMN 2
TYPE OF LICENSE	TRADING HOURS
Section 33 (a) license – micro production and sale of liquor both on and off consumption (cellars, winemakers, home distillers)	On consumption 7h00 – 2h00 Monday to Saturday 7h30 – 23h00 on Sunday Off consumption 7h30 – 20h00 Monday to Sunday
Section 33 (b) licenses for the sale of liquor for consumption on the premises Sport clubs, bar, sports bar, night club, jazz club, pub and grub, tavern, restaurants) Hotel, B&B's and Casino	7h30 – 02h00 (the next day) Monday to Saturday 7h30 – 23h00 Sunday 24 hours per day
Section 33 (c) licenses off consumption sales (Liquor stores, general dealers, supermarkets, boutiques, food stores, whole sales)	07h00 – 20h00 Monday to Sunday
Section 33 (d) licenses for sale of liquor both on and off consumption (Exceptional Circumstances)	On and Off Consumption 7h30 – 24h00 Monday to Thursday 7h30 – 02h00 Friday to Saturday 7h30 – 22h00 Sunday
Section 33 (e) licenses for sale of liquor for both on and off consumption at special events (concerts, festivals, sport and entertainment events)	On and Off Consumption 7h00 – 24h00 Monday to Sunday
Temporary License in terms of section 33 (f) for sale of liquor for both on and off consumption.	The trading hours will be similar to those contained in this schedule, depending on the type of license applied for.

KNYSNA MUNICIPALITY**BY-LAW FOR THE PREVENTION OF PUBLIC NUISANCES AND THE KEEPING OF ANIMALS,
POULTRY, PIGEONS AND BEES****Purpose of By-Law**

To promote the achievement of a safe, pleasant and tranquil environment for the benefit of residents within the area of jurisdiction of the municipality.

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Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“animal” means a horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, indigenous animal or exotic animal **insects such as, but not limited to, bees which is kept or under control of a person, but excludes dogs and cats kept as domestic pets;**

“authorised official” means an officer of the municipality who has been authorised by the municipality to enforce the provisions of this by-law and any officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act 71 of 1962);

“cattery” means any establishment where cats are bred or boarded;

“kennel” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the State or otherwise;

“municipality” means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such agent or employee;

“owner” includes—

- (a) the person or persons in whom from time to time shall be vested the legal title to any immovable property.
- (b) in any case where a property is subject to a lease the lessee of such property.
- (c) in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator or assignee, or administrator.
- (d) in cases where the owner as above described is absent the agent or person receiving the rent of the property in question.
- (e) in any case where the property is beneficially occupied under a servitude or right similar thereto the occupier of such property;

“poultry” means any fowl, goose, ostrich, duck, pigeon, dove, turkey, **guinea fowl**, peacock and/or peahen or bird whether domesticated or wild;

“premises” means any building, tent or other structure, together with the land on which it is erected and any adjacent land, whether vacant or not, which is used in coherence therewith, and includes any vehicle, carriage, ship or boat;

“public nuisance” means any act, omission or condition on any premises, including any building, structure or growth thereon, which in the opinion of the municipality is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of property in the neighbourhood or which adversely effects the safety of the public;

“public place” means any square, building, park, recreation ground, public beach or open space which:—

- (a) is vested in the municipality;
- (b) the public has the right to use, or

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

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

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, 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;

“structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building used for human shelter or the keeping or enclosing of animals, poultry, pigeons or bees;

PART 1

PUBLIC NUISANCES

Behaviour and conduct

2. (1) Notwithstanding the provisions of any other by-law, no person shall:
- (a) Do work on any premises or use any building or land for purposes calculated to depreciate or to disfigure such premises or to interfere with the convenience or comfort of the neighbours or to become a source of danger to any person. Should the municipality be of the opinion that this provision is being ignored, the municipality may direct that such work or use be discontinued forthwith and that the previous condition be reinstated;
- (b) carry on any trade, business or profession on any premises in the municipal area which may in the opinion of the municipality be a source or become a source of discomfort or annoyance to the neighbourhood;
- (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse, plastic or other bags or things which are offensive or likely to cause annoyance, danger or injury to persons in or upon any premises, street or public place;
- (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
- (e) allow any building or structure or any portion thereof on any premises to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair.
- (f) use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- (g) use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the

- purpose of storing, stacking, dumping, disposing, or keeping any waste material refuse, cartons, crates, containers or other articles of a like nature;
- (h) enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objects, articles or devices otherwise than by such means as the municipality may approve;
 - (i) keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
 - (j) cause or allow the disturbance of the ordinary comfort, convenience, peace or quiet of the occupiers of adjacent properties by the utilisation or use of electrical appliances, machinery, malfunctioning air conditioning units or similar appliances or equipment.
 - (k) defoul, misuse or damage a toilet provided in a public building or public place;
 - (l) carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable and hazardous material or thing, liquid or solid, which is or may prove to be offensive or dangerous or injurious to health and safety, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
 - (m) bathe or wash himself or any animal or article or clothing or any other article or thing in any public hydrant or fountain or at any place which has not been set aside by the municipality for any such purpose;
 - (n) at any time during the day or night disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night.
 - (o) advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
 - (p) in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling, singing, or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interfere with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
 - (q) in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
 - (r) cleanse or wash any vehicle or part in any street or public place;
 - (s) discharge any fireworks, fire-arm, airgun or air pistol on any premises or in any street or public place, except premises or land used for agricultural purposes and which does not form part of a general plan for a township.
 - (t) **(1) No owner or resident of any erf shall–**

- (i) permit such erf or any portion thereof to be overgrown with trees, bushes, weeds, grass or any other vegetation to such an extent that it causes a public nuisance and/or is unsightly or poses a fire risk;
 - (ii) where any such erf, or portion thereof has been planted with trees, shrubs, vegetables, flowers or grass, permit the erf in question to become so overgrown with cultivated vegetation and/or so neglected that it causes a public nuisances and/or is obnoxious and/or unsightly;
 - (iii) permit any erf or portion thereof whether with natural or cultivated vegetation to be so overgrown that it is aesthetically unacceptable.
 - (iv) The provisions of (i) – (iii) above shall not apply to environmentally sensitive and protected areas. Proper processes as stipulated by national legislation and regulations should be followed when clearing overgrown erven in these areas.
- (2) In the event of any contravention of the provisions of subsection t (1) the municipality will be entitled to address to the owner or resident of such erf per registered post, a notice informing such owner or resident of such contravention and requiring such owner or resident to comply with this By-law or Fire Safety Regulations within a period of thirty days after the date on which the aforesaid notice was posted to the owner or resident.
- (3) If any owner or resident, to whom a notice has been addressed fails to comply with the requirements of such notice within the period stipulated in such notice, the municipality may in terms of its authority to prosecute, and without any further notice to such person and with any other assistance or any advisors which may be required, forthwith enter upon erf and take all reasonable steps and incur such costs to remove the public nuisance.
- (2) In the event of a contravention of section 2 the municipality may in its discretion issue a notice on the owner or occupier or the alleged offender to terminate the action or to abate the nuisance created.
- (3) Any person who contravenes or fails to comply with any provisions of this part or fails to comply with any notice lawfully given there under shall be guilty of an offence.

PART 2

KEEPING OF ANIMALS, POULTRY, PIGEONS AND BEES

Permission to keep animals

3. (1) No person shall keep or permit to be kept on any premises or property any animals, poultry, pigeons and bees without the written permission of the municipality.
- (2) For the purpose of managing the keeping of animals, poultry, pigeons and bees on premises, the municipality may from time to time determine the kind, number and sex of animals, poultry, pigeons that may be kept and the areas within which such animals, poultry, pigeons and bees shall be prohibited.

- (3) Bees may only be kept on premises zoned for agricultural purposes and the municipality may determine the number of beehives, as well as the kind.
- (4) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (5) A person who contravenes subsection (1) or who fails to comply with a determination in subsection (3) commits an offence.

Plans for structures and management

4. (1) An application to keep animals, poultry, pigeons and bees must be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- (2) Detailed plans and specifications of structures in which it is proposed to keep animals, poultry, pigeons and bees must accompany the application in section 4 and such plans must be approved by the municipality.
- (3) An exposition of the numbers, kinds, sizes and gender of animals must accompany the plans in section 5 while the numbers in the case of poultry, pigeons and bees must be indicated .
- (4) Notwithstanding anything to the contrary contained in this by-law, the municipality may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals, poultry, pigeons and bees.

Visibility of structures on premises

5. All structures in which animals, poultry and pigeons are kept shall be suitably screened from any street to the satisfaction of the municipality.

Authorisations and permits

6. (1) Notwithstanding the aforementioned provisions, the municipality may, after considering conditions particular to the property and on condition that no objection is received from adjoining neighbours, waive any or all of the requirements of this part and impose other conditions if appropriate and may further withdraw any authorisation in terms of section 3(1) if any of the conditions therein are not adhered to.
- (2) All permits, authorisations and concessions to keep animals, poultry, pigeons and bees granted in terms of any by-law or regulation repealed shall be deemed to have been granted in terms of this by-law.

Duties of owner or keeper of animals

7. (1) The owner or keeper of an animal:
 - (a) may not cause or allow an animal to interfere with the comfort, convenience, peace of other people;
 - (b) must provide such animal with shelter, water and proper food;
 - (c) must maintain the premises on which an animal is kept in good repair and in neat condition in order to prevent the occurrence of a public nuisance; and
 - (d) must exercise control over his or her animals in order to prevent damage to property or gardens;

- (e) may not leave or allow any animal to be on any section of a public road or leave such animal in a place from where it may stray onto such section of a public road.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

Animals kept in an unsatisfactory manner

8. Whenever, in the opinion of the municipality, any animal, poultry or pigeons are kept on any premises, whether or not such premises have been approved by the municipality under this by-law, are a public nuisance, the municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance and to carry out such work or take such steps as the municipality may deem necessary for the said purpose.

Stray animals and pets

9. (1) The municipality may seize animals, poultry or pigeons found on any premises, land or road which are not under supervision or control of any person and which are causing a nuisance or danger to the safety of persons.
- (2) Animals, poultry or pigeons seized in terms of sub-section (1) may be impounded or caused to be destroyed by the municipality with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as possible.

Kennels and catteries

10. (1) No kennel or cattery may be operated without the written permission of the municipality.
- (2) Application for permission must be done in the form prescribed by the municipality.
- (3) The person operating a kennel or cattery may not conduct the business in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.

Offence

11. Any person contravening any provision of this by-law shall be guilty of an offence and upon conviction liable to a penalty as set out in Section 18.

PART 3

GENERAL PROVISIONS

Right of entry and inspection

12. (1) Any duly authorised employee of the municipality is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law.
- (2) When entering a premise in terms of sub-section (1), the authorised employee must on request by any person, identify him-/herself by producing written proof of authorisation.
- (3) The authorised employee may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised employee if he requests entrance on any land or premises, or obstructs or hinders him in the execution of his duties

under this by-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

Service of documents and process

13. (1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this by-law, it shall be deemed to have been effectively and sufficiently served on such person:
- a. when it has been delivered to him personally;
 - b. when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years.
 - c. when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
 - d. if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c), or
 - e. if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

Application

14. (1) The provisions of sections 3(1) and 13 are not applicable to premises or land which is zoned for agricultural purposes or premises or land identified by the municipality where the keeping of animals, poultry, pigeons and bees or the operation of catteries and kennels is permitted and indicated as such in an approved spatial development framework and zoning scheme.
- (2) A person who keeps animals, poultry, pigeons and bees or operates a cattery or kennel in terms of an approved land use, or on premises or land zoned for agricultural purposes, is not exempt from the provisions of any other by-laws of the appropriate municipality or legislation with regard to the inception or bringing about of a public nuisance.

Penalties

15. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
- (1) a fine of one thousand Rand or imprisonment, or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - (2) in the case of a continuing offence, to an additional fine of fifty Rands or an additional period of imprisonment of ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,

- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of By-laws

16. The following by-laws are hereby repealed with immediate effect:

- (1) Nuisances By-law: Provincial Notice 461/1999: Brenton Local Council.
- (2) Animals By-law: Provincial Notice 469/1999: Brenton Local Council.
- (3) By-law regarding refuse in streets: Provincial Notice 402/1943: Knysna Municipality.
- (4) By-law relating to the use of stoeps and verandahs: Public Notice 386/1971: Knysna Municipality.
- (5) By-law relating to the cleanliness of premises: Public Notice 427/1973: Knysna Municipality.
- (6) By-law relating to the keeping of bees: Public Notice 388/1984: Knysna Municipality.
- (7) By-law relating to the dumping of rubbish and waste: Public Notice 388/1968: Sedgefield Municipality.
- (8) By-law relating to the cleanliness of premises: Public Notice 650/1986: Sedgefield Municipality.
- (9) Nuisances by-law: Public Notice 140/1994: Sedgefield Municipality.

Short title and commencement

17. This By-law shall be known as the By-law on the Prevention of Public Nuisances and the Keeping of animals, poultry, pigeons and bees, and shall come into operation on the date of publication thereof in the Provincial Gazette.

KNYSNA MUNICIPALITY

PUBLIC AMENITIES BY-LAW

In terms of and under the provisions of section I56 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Knysna Municipality, enacts as follows:—

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SCHEDULES

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1. Definitions

In these By-laws, unless the context otherwise indicates—

“animal” means any equine, bovine, sheep, goat, pig, fowl, camel, dog, cat, or other domestic animal or bird, or any wild animal, bird or reptile, which is in captivity or under the control of a person;

“authorised official” means-

- (a) any person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under these By-laws; or
- (b) any person appointed by the Municipality in terms of a written contract to perform any act, function or duty in terms of, or exercise any power under these By-laws to the extent authorised in such contract;

“bath” means a swimming bath owned by or under the lawful management or control of the Municipality and available for use by the public and includes all dressing-rooms, cubicles and other facilities used in connection therewith;

“bathing area” means the beach and seashore and the sea for a distance of 200m seaward situated within the area of jurisdiction of the Knysna Municipality;

“beach” means the sea-shore as defined in section 1 of the Sea-shore Act, 1935 (Act No. 21 of 1935) and includes any area adjoining the high-water mark;

“camp” or “camping” means to occupy land by picnicking thereon or by standing thereon with a caravan or vehicle or erecting thereon a tent or approved temporary structure and using such caravan, vehicle, tent or temporary structure for the purpose of habitation or sleeping or as a shelter or protection against the weather;

“camping area” means land vesting in and set aside by the municipality as a public picnic, camping or caravan park site or a similar facility approved by the municipality on private land;

“consume” in relation to an alcoholic beverage, means to drink from, use or possess an opened container, which contains an alcohol beverage;

“dive” means to remain under water for any length of time while using goggles, flippers, a snorkel, aqualungs, scuba equipment, a weighted belt or any other equipment;

“erect” in relation to a notice board means construct, post, affix or place;

“fire-arm” means any gun, shotgun, rifle, pistol, revolver, air-rifle, or black powder gun;

“garden” means any piece of land under the control of the Municipality and maintained by it as a garden for the use by the public;

“life-saver” means a person employed or appointed in that capacity by the Municipality, or any member of the Surf Life-Saving Association of South Africa, or of an affiliated life-saving club or association of lifesavers;

“municipality” means the Municipality of Knysna, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, duly authorised official thereof, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

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

“**National estate**” has the meaning given to it in section 1 of the National Heritage Resource Act, 1999 (Act No. 25 of 1999);

“**notice board**” includes a sign, poster or other device on which the Municipality displays information;

“**official**” means a person appointed by the municipality to exercise control over admission to a public amenity.;

“**park**” means any piece of land under the control of the Municipality and maintained by it as a park for the use of the public;

“**person**” includes an association or organisation;

“**public amenity**” means—

- (a) an land, square, camping site, swimming -bath, beach, bathing area, sport field, public resort, public open space, recreation site, river, nature reserve, zoological, botanical or other garden or park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, which is the property of, or is possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission of fees or not, but excluding a public road or street;
- (b) a building, structure, hall room or office, including any part thereof or any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the Municipality and to which the general public has access, whether on payment of admission of fees or not; and
- (c) a public amenity contemplated in paragraphs (a) and (b) if it is lawfully controlled or managed in terms of an agreement between a person and the Municipality;

“**public gathering or procession**” means a procession or gathering of more than 10 people;

“**public place**” means any square, building, park, recreation ground or open space which:

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

“**sea shore**” means water and land between the low-water mark and the high-water mark;

“**sea**” means water and land below the low water mark, and includes a tidal river;

“**vehicle**” means any vehicle driven by mechanical, animal, natural or human power, and includes any cycle, craft or aircraft, but does not include a wheeled chair or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or invalid.

CHAPTER 1: GENERAL PROVISIONS RELATING TO PUBLIC AMENITIES

2. Number of visitors

The Municipality, may from time to time, determine-

- (a) the maximum number of persons who or vehicles which may be present in or at a public amenity; and
 - (b) different numbers of persons or different classes of vehicles, as contemplated in paragraph (a), for different public amenities,
- in respect of those public amenities which the Municipality, in terms of any law, may establish or administer.

3. Admission to public amenity

- (1) A public amenity is open to the public at the times, dates and subject to such conditions regarding the entry to and activities that may be undertaken upon the public amenity, including conditions regarding the driving of a motor vehicle and different classes of motor vehicles in a public amenity, as determined by resolution by the Municipality from time to time in respect of different amenities.
- (2) The Municipality may from time to time grant to any person or persons, during such hours and for such period as he or she may deem fit, the exclusive use of a public amenity for games, a public meeting, fete, show or other function or entertainment.
- (3) The Municipality may for reasons of maintenance, development, security, safety or public health, temporarily or permanently—
 - (a) close a public amenity or a portion thereof; or
 - (b) suspend all or any activities thereon.
- (4) Where a person in a public amenity has committed an offence in terms of these By-laws, an official may order such person to leave the public amenity, and a person so ordered to leave-
 - (a) must forthwith leave the amenity by the shortest route available to the public; and
 - (b) may not enter any public amenity during a period of six months immediately succeeding the relevant order, unless—
 - (i) the Municipality has authorised him or her thereto in writing; or
 - (ii) he or she has not, within three months of being so ordered, been prosecuted and found guilty of an offence similar to the offence contemplated above.

- (5) Where an official on reasonable grounds suspects that a person wishing to enter a public amenity intends to commit an offence in terms of these By-laws or any other law in or at the public amenity, he or she may refuse entry to such person.

4. Entrance fees

- (1) (a) The Municipality may by resolution levy from time to time different entrance fees and issue entrance tickets in respect of—
- (i) persons of different ages;
 - (ii) groups of persons; or
 - (iii) different classes of vehicles,
- which entitle the persons, groups or vehicles to enter a public amenity.
- (b) The Municipality may grant concessions in respect of entrance fees which have to be paid.
- (2) An entrance fee must be paid at the entrance to a public amenity, except where another place is indicated on a notice board erected in terms of section 5(1).
- (3) An entrance fee must be paid in respect of each day or portion of the day during which a person, group or vehicle is or remains in a public amenity and is valid for the day.
- (4) If a person leaves a public amenity before 10:00 on a day, which is not the day of arrival in the public amenity, he or she does not have to pay an entrance fee for the day on which he or she leaves.
- (5) (a) Subject to the provisions of paragraph (b), a fee is not repayable.
- (b) Where a person has paid a fee for a number of days and he or she cannot remain in the public amenity for the full number of days, the fee paid for the number of days which he or she cannot remain in the public amenity, may be repaid to him or her if the Municipality approves.
- (c) The fee to be repaid in terms of paragraph (b), is the fee, which has been paid in respect of each full day or a portion of a day, which has not been used, and for these purposes, “full day” means a period of 24 hours commencing at 10:00 each day.
- (6) An official may require a person in a public amenity to produce immediately the entrance ticket, which was issued to him or her, and a person who fails to produce the entrance ticket commits an offence.
- (7) A person who enters a public amenity without having paid the entrance fee commits an offence.

5. Notice boards

- (1) (a) The Municipality may erect a notice board at the entrance to or in the immediate vicinity of a public amenity, on which any of the following are displayed:

- (i) the times, dates and conditions which are applicable to entry into and use of the public amenity;
 - (ii) the fees that must be paid to enter the public amenity; and
 - (iii) if the public amenity or a portion of the public amenity is closed, or if all or any activities upon the public amenity is suspended.
 - (b) Where no notice board has been erected, no activities may be undertaken upon the public amenity, except if the person has been given consent as contemplated in section 6.
- (2) No person other than an official or other person authorised to do so in these By-laws may move, alter the contents of, deface or otherwise tamper with a notice board erected by the Municipality in terms of these By-laws.
- (3) A person commits an offence if he or she, in contravention of the information displayed on a notice board, enters into or uses a public amenity-
- (a) at times and dates other than the times and dates displayed;
 - (b) in contravention of a condition displayed;
 - (c) when the public amenity or a portion of the public amenity is closed; or
 - (d) when all or any activities upon the public amenity are suspended.
- (4) The signs erected in terms of these By-laws or any other law shall serve as sufficient notice of the prohibitions or restrictions applicable in the area concerned.

6. Consent required for certain activities

- (1) No person may, **unless Council has designated an area or** written consent of the Municipality first having been obtained, at, in or upon a public amenity-
- (a) arrange, hold, present or attend-
 - (i) public entertainment;
 - (ii) a meeting;
 - (iii) a public gathering or procession, exhibition or performance; or
 - (iv) an auction;
 - (b) from the general public, collect money or any other goods for charity or any other purpose;
 - (c) display placards, painting, book, handbill or a printed, written or painted work;
 - (d) conduct any trade, occupation or business;
 - (e) display, sell or rent out or present for sale or rent any wares or articles;
 - (f) tell fortunes for compensation;

- (g) perform busking activities;
 - (h) have in his or her possession a firearm, air pistol, bow, crossbow knife, slingshot, or fireworks; or
 - (i) disturb a historical or cultural site.
- (2) **No person may, unless Council has designated an area or written consent of the Municipality first having been obtained:**
- (a) **bring into a public amenity an alcoholic beverage;**
 - (aa) **a person who has obtained such consent or if Council has designated an area may consume such beverage at a designated area set aside for this purpose only.**
 - (b) **cook, prepare or sell food of any kind in a public amenity;**
 - (bb) **a person who has obtained such consent or if Council has designated an area may cook, prepare or sell such food at a designated area set aside for this purpose only and must ensure that the preparation and cooking of food is done in a clean and sanitary manner so as not to give rise to excessive smoke, other nuisances or entail any danger to health.**
 - (c) **kindle a fire in a public amenity, except for the purpose of barbecuing food;**
 - (cc) **a person who has obtained such consent or if Council has designated an area may kindle such fire only at a designated area set aside for this purpose and may not leave any fire which he or she has kindled or used without completely extinguishing the fire or the embers of the fire.**
 - (d) **erect or establish in or on a public amenity any fence, structure, dam, shelter or anything else;**
 - (dd) **a person who has obtained such consent or if Council has designated an area may erect such fence, structure, dam, shelter or anything else at a designated area set aside for this purpose only.**
- (3) No person may, without the written consent of the Municipality first having been obtained, bring into, or have in his or her possession in a public amenity a firearm, and the Municipality may grant consent in the following instances only:
- (a) for the firing of blank cartridges during organised competitions, such as by life-savers, or during sports meetings;
 - (b) in connection with the collection of specimens of marine life, or birds or animals for scientific purposes;
 - (c) for the lawful culling of animals; or

- (d) to signal distress in the instance where a proposed activity may require a distress signal to be given by means of a firearm.
- (4) A person who wishes to obtain the consent of the Municipality as contemplated in subsection (1) (2) or (3) must complete and submit to the Municipality the relevant application form as set out in the Schedules to these By-laws, and the Municipality may grant consent, which consent will be indicated on the said form, subject to any such conditions as he or she deems necessary and subject to the prescribed fee as contemplated in section 8 having been paid, and a person who wishes to sell food must, in addition to the provisions of these By-laws, comply with the provisions of any applicable by-laws in force in the Knysna municipal area relating to—
 - (a) the licensing and control of undertakings that sell food to the public; or
 - (b) the hawking of food by street traders, vendors or pedlars.
- (5) A person who has been granted consent in terms of subsection (7) must at all times when undertaking an activity for which consent has been granted, retain such authorisation for consent in his or her possession, and must forthwith produce such authorisation on request of an official.
- (6) A person who contravenes a provision of subsection (1) to (5) commits an offence.

7. Permit

- (1) Notwithstanding the provisions of section 2, 3(1), 3(3), and 4(1), the Municipality may, on written application submitted to it and subject to any such conditions it may deem necessary to imposed, issue a permit free of charge—
 - (a) to a group of people, such as, but not limited to, a group of bona fide students; or
 - (b) to a person who is undertaking scientific, educational or similar research.
- (2) The holder of a permit issued in terms of subsection (1) may, subject to any other conditions imposed in that subsection—
 - (a) if he or she is the holder of a valid hunting licence, hunt, catch, kill or remove, subject to the provisions of paragraph (e), fauna under the supervision, control and in accordance with the instructions of an official, in or from a public amenity;
 - (b) pick, collect or remove, subject to the provisions of paragraph (f), fauna, in or from a public amenity;
 - (c) take or remove, subject to the provisions of paragraph (f), anything of historical or scientific importance in or from a public amenity;
 - (d) have in his or her possession diving equipment, a weapon, explosive, trap, poison, axe, saw, knife or gardening tool, living or dead fauna, or flora;
 - (e) remove from a public amenity any flora or carcass which has been plucked or hunted only if the official has-

- (i) inspected such flora or carcass;
 - (ii) if such control official considers it necessary or desirable, measured the dimensions or mass, or taken a sample of such flora or carcass; and
 - (iii) in writing authorised the permit holder to remove such flora or carcass.
- (3) The holder of a permit issued in terms of subsection (1) must, on arrival at the public amenity concerned, display such permit to the control official, and a person who fails to do so, commits an offence.
- (4) The holder of a permit who undertakes an activity in contravention of a condition imposed on him or her commits an offence.

8. Prescribed fees

The Municipality shall by resolution, determine fees and may from time to time review the prescribed fees payable in terms of these By-laws.

9. Animals

- (1) A person may bring an animal upon a public amenity only when permitted to do so, which permission must be displayed on a notice board erected in terms of section 5(1).
- (2) Where a person is, in terms of a resolution, taken in terms of section 3(1), permitted to bring an animal upon a public amenity, he or she must have direct and physical control over the animal by means of a leash or other device, and may not bath, wash or allow such animal to enter or remain in any pond, fountain or ornamental water.
- (3) A person who contravenes a provision of this section commits an offence.

10. Prohibited behaviour

- (1) No person-
 - (a) may loiter or linger about in a public amenity if he or she-
 - (i) leads the life of a loiterer;
 - (ii) lacks any determinable and legal refuge;
 - (iii) habitually sleeps in a public street or public place; or
 - (iv) habitually begs for money or goods or persuades others to beg for money or goods on his or her behalf;
 - (b) who-
 - (i) is in a state of intoxication or under the influence of any drug may enter or remain in a public amenity, and such person shall not be admitted to a public amenity;
 - (ii) knows that he or she is suffering from a communicable disease as defined in section 1 of the Health Act 63 of 1977, may enter upon or remain in a public amenity;

- (c) may in or at a public amenity—
- (i) break, damage, destroy, tamper with, misuse, disfigure or use in a manner contrary to a notice erected in respect of such thing, anything (whether movable or immovable) of historical or scientific importance, or which is part of the national estate, or of which the management or control is vested in the Municipality, or remove such movable thing from the amenity, or fail to observe a notice which was erected by the Municipality in respect of such thing, or fail to observe an instruction by a person permitted to maintain such thing;
 - (ii) throw a rock, stone or object or roll down a rock, stone or object from a mountain, koppie, slope of cliff;
 - (iii) except if authorised to do so under section 7(2)(b), pull out, pick, cut or damage any flora growing in the amenity, or have such flora in his or her possession;
 - (iv) walk, stand, sit or lie on a flowerbed;
 - (v) write, paint, draw graffiti or a representation on a structure or path;
 - (vi) excavate soil, sand or stone or remove organic or inorganic objects;
 - (vii) interfere with water flow, obstruct water, divert a stream or drain a wetland;
 - (viii) deface or disfigure anything provided by the Municipality by pasting or affixing in any way any bills, papers, place cards, notices or any- thing else;
 - (ix) wash, polish or repair a vehicle, except emergency repairs to a vehicle;
 - (x) burn refuse so as to cause an unpleasant or offensive smell or the production of smoke nuisance;
 - (xi) except in a container provided for that purpose, dump, discard, drop, leave or place any litter, refuse, rubble, stone, sand, soil material, bottles, wood, metal, manure, offal, fish, filth or any object or thing that may cause injury to any person or be prejudicial to the health of the inhabitants of the municipality, or permit or cause it to be done;
 - (xii) misuse; pollute or contaminate in any way a water source, water supply, a dam or river with fuel, oil, garbage, offal, bilge, sewerage, refuse, stone, sand, soil or rubble of any kind;
 - (xiii) wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose;
 - (xiv) use or try to use anything provided by the Municipality in such amenity for any purpose other than that for which it is designed or determined by notice;
 - (xv) discard of a burning or smouldering object or throw it out of a vehicle;

- (xvi) behave or conduct himself or herself in an improper, indecent or unbecoming manner such as by making an improper gesture, inciting or urging someone to perform a disorderly or indecent act;
 - (xvii) cause a disturbance, use foul, lewd, dirty or indecent language, behave or conduct himself or herself in an unruly or violent manner, fight, shout, argue, beg, use loud speakers, radio reception devices, television sets, or similar equipment, or perform any act with the purpose of disturbing the good order or which may constitute a danger or nuisance to others;
 - (xviii) defecate, urinate or undress, except in a building or on premises intended for that purpose;
 - (xix) lie on a bench or seating place provided by the Municipality or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (xx) play or sit on play-park equipment, except if the person concerned is a child under the age of 13 years;
 - (xxi) swim, walk or play in a fish-pond, fountain, dam, artificial feature or pond;
 - (xxii) having an open wound on his or her body, enter any bath provided by the Municipality;
 - (xxiii) perform any act that may detrimentally affect the health of another person;
 - (xxiv) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex;
 - (xxv) stay or sleep over night other than in terms of section 12;
 - (xxvi) hunt, injure, disturb, feed, kill, hurt, follow, disturb, ill-treat or catch an animal, or displace, disturb, destroy or remove a bird, nest or egg, or skin or gut a live animal, except if authorised to do so under section 7(2)(a);
 - (xxvii) fire a firearm, air-rifle or air-pistol, except if the necessary consent as contemplated in section 6(3) has been obtained, or discharge a bow, fireworks or use a slingshot or catapult;
 - (xxviii) in any way whatsoever prejudice the safety, convenience of rights of other persons;
 - (xxix) obstruct or interfere with any official appointed by the Municipality, including a lifeguard, in the proper execution of his or her official duties;
 - (xxx) play or conduct a game of any nature whatsoever in a manner that causes annoyance or endangers public safety;
 - (xxx1) expose his or her body or clothe indecently;
- (d) may enter or leave a public amenity other than by way of the official entry and exit point; or
- (e) may release any wild animal, bird or flora into a public amenity;

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

11. Vehicles

- (1) Where a person is permitted in terms of a resolution contemplated in section 3(1) to drive a vehicle in a public amenity or a portion of a public amenity, he or she may not—
 - (a) travel with the vehicle elsewhere than on a road constructed by the Municipality; or
 - (b) drive the vehicle or cause or permit it to be driven at a speed in excess of the speed indicated on a notice board erected by the Municipality in terms of section 5(1).
- (2) The provisions of subsection (1) do not apply to an emergency vehicle while lawfully in use as such, or a vehicle used in an emergency, or a vehicle used by an official in the discharge of his or her duties.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

12. Camping in public amenity

- (1) Where in terms of a resolution contemplated in section 3(1) a person is permitted to camp in a public amenity, the person may camp in a designated area set aside for that purpose only.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

13. Municipality may supply or sell fauna and flora

- (1) The Municipality may sell fauna or flora, which is found cultivated or bred in a public amenity, whether alive or dead, to a local nature reserve, state institution, government department, private nature reserve or to a member of the public, or exchange such flora or fauna for flora or fauna of a such institution, department, member of the public or private nature reserve.
- (2) No person may remove any fauna or flora obtained in terms of subsection (1) from the public amenity concerned, unless an official, has in writing, authorised the removal thereof.
- (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 2: ENFORCEMENT OF BY-LAWS

14. Appointment of official

- (1) The Municipality may appoint and authorise such person as it may deem fit as an official who is vested with powers, duties and functions conferred or imposed in section 15, and

the official may exercise or perform such powers, duties and functions in respect of any public amenity as defined in these By-laws.

- (2) Upon appointment, the Municipality must issue the official with an identity card, which must state the name, and function of the official and which includes a photograph of the official.
- (3) An official, acting within the powers vested in him or her by these By-laws, must, on demand by a person, produce the identity card and proof of identity.

15. Powers of official

- (1) An official appointed and authorised under section 14 must enforce compliance with the provisions of these By-laws and may-
 - (a) investigate an act or omission which on reasonable suspicion may constitute an offence in terms of the provisions of these By-laws;
 - (b) on reasonable suspicion that-
 - (i) an offence in terms of these B -laws has been or being committed on, in or in respect of such premises, land, waters or other place;
 - (ii) a provision of these By-laws or a condition of a permit, authorisation or other instrument issued in terms of these By-laws has been or is being breached on, in or in respect of such premises, land, waters or other place; or
 - (iii) a thing which may serve as evidence of such offence or breach is kept on or in such premises, land waters or other place; any time enter upon such place, land, premises or building;
 - (c) under authority of a warrant, enter and search any vehicle, vessel, aircraft, or search any pack-animal, on reasonable suspicion that that vehicle, vessel, aircraft or pack-animal is being or has been used, or contains or conveys a thing which is being or has been used to commit-
 - (i) an offence in terms of these By-laws or a conservation regulation;
 - (ii) a breach of a provision, a condition of a permit, authorisation or other instrument issued in terms of these By-laws; or
 - (iii) contains or conveys a thing which may serve as evidence of such offence or breach;
 - (d) for the purpose of implementing paragraph (c) order the driver of a vehicle or vessel to stop;
 - (e) seize-
 - (i) any item in respect of which, on reasonable suspicion, an offence in terms of these By-laws has been or is being committed;

- (ii) any vehicle, vessel, tool, weapon, animal or other thing which on reasonable suspicion, has been or is being used in the commission of an offence in terms of these By-laws; or
- (iii) anything which, on reasonable grounds, may be used as evidence in the prosecution of any person for an offence in terms of these By-laws;

and where anything is seized in terms of paragraph (e), the person in control of the item, vehicle, vessel, tool, weapon, animal or other thing must take it to the place designated by the official, and the official must keep it at the designated place pending any criminal proceedings in terms of these By-laws;

- (f) request a person to provide such information as he or she deems necessary;
- (g) for the better exercising of any power or the performance of any function or duty assigned or granted to him or her, take along an assistant who, while acting under the lawful order of the official, has the same powers, functions and duties as the official;
- (h) dispose of flora of the public amenity;
- (i) in the course of development and maintenance of a public amenity, allow the lighting of fires or the removal of vegetation;
- (j) exclude members of the public from any part of a public amenity at any time for the purpose of carrying out development work or maintenance in the public amenity;
- (k) if in the interest of a user of a public amenity, suspend temporarily an activity taking place in an amenity;
- (l) in respect of any boat, demand from the operator or owner thereof the production of the registration certificate of the boat;
- (m) demand from a person the production of an article or object which the person is required, in terms of these By-laws, to have in respect of a boat;
- (n) if the operator thereof appears to be incapable of safely operating or being in charge of a boat by reason of his or her physical condition or mental condition howsoever arising, board or come alongside any boat and
 - (i) temporarily forbid the person to continue to operate the boat; and
 - (ii) make such arrangements for the safe disposal and placing of the boat as may be necessary or desirable in the circumstances;
- (o) if a boat is unsafe, require a person to remove immediately from the river or lagoon his or her boat and appurtenances, and take possession of and suspend the identification number, and the boat may not be returned to the river before it is re-inspected and found to be in a safe condition;
- (p) remove from the river or lagoon an unattended fishing rod and line if found in or near a navigation channel or if it is a danger to the safety of another person;

- (q) require a person forthwith to leave a public amenity for such period as he or she may instruct if the person contravenes a provision of these By-laws.
-
- (2) A person commits an offence if he or she-
 - (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an official in the exercise of his or her powers or execution or his or her duties; or
 - (b) falsely holds himself or herself out to be an official;
 - (c) furnishes false or misleading information when complying with a request of an official; or
 - (d) fails to comply with a request of an official.

CHAPTER 3: MISCELLANEOUS PROVISIONS

16. Appeal

- (1) **A person whose rights affected by a decision of a Municipality or official acting in terms of these by-laws may appeal against that decision by giving written notice of the appeal and reasons. An appeal can be lodged in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000, to the Municipal Manager within 21 days of the date of the notification of the decision.**
- (2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by—
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer, the Municipal Council or a Committee appointed by Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within 30 days.

17. Penalties

A person who has committed an offence in terms of these By-laws is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding 6 months, or to such

imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to additional imprisonment for a period not exceeding 1 month for every day such offence continued.

18. Limitation of liability

The Municipality is not liable for any damage or loss caused by—

- (a) the exercise of any power or the performance of any duty in good faith under these By-laws; or
- (b) the failure to exercise any power, or perform any function or duty in good faith under these By-laws.

19. Use of fees, fines and forfeitures

All fees, fines and forfeitures recovered under these By-laws shall be allocated and used by the Municipality expressly for the furtherance of the conservation of natural resources.

20. Authentication and service of notices and other documents

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

- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

21. Repeal of by-laws

Any by-law relating to Public Amenities adopted by the Municipality or any Municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

22. Short title and commencement

These By-laws will be known as the Knysna Municipality Public Amenities By-laws and will come into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

[(Section 6(7))]

APPLICATION FOR CONSENT TO UNDERTAKE CERTAIN ACTIVITIES

I/ We(full name of applicant), hereby apply in terms of the Knysna Municipality Public Amenities By-laws, for consent to undertake the following activity/ies:

.....
..... (Full description of activity)

At the(description of public amenity)

for the purpose of.....
(Supply the reason/s for undertaking the activity)

Date:
(Applicant)

Signed:
(Applicant)

Address of applicant:

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

CONSENT

Subject to the conditions imposed, above-mentioned person is hereby granted consent to undertake the activity as specified in the application.

CONDITIONS

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

Date:

Name:
(Municipal Official)

Signature
(Municipal Official)

SCHEDULE 2

[Section 7(1)]

APPLICATION FOR PERMIT

I/We(full name of applicant) hereby apply in terms of the Knysna Municipality Public Amenities By-laws, for consent to undertake the following activity/ies:

.....
.....(full description of activity)

at the(description of public amenity)

For the purpose of.....
(Supply the reason/s for undertaking the activity)

Date:
(Applicant)

Signed:
(Applicant)

Address of applicant:

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

.....

CONSENT

Subject to the conditions imposed, above-mentioned person is hereby granted consent to undertake the activity as specified in the application.

CONDITIONS

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

Date:

Name:
(Municipal Official)

Signature
(Municipal Official)

KNYSNA MUNICIPALITY

INTEGRATED WASTE MANAGEMENT BY-LAW, 2014

To regulate the avoidance, minimisation, generation, collection, cleaning and disposal of waste and for matters related thereto.

WHEREAS the Knysna Municipality has under the Constitution, legislative competence in respect of refuse removal, refuse dumps and solid waste disposal;

Whereas the Knysna Municipality (“the Municipality”) has an obligation to regulate and control waste management so as to ensure a safe, healthy and sustainable environment and to ensure that the rights of individuals are protected;

Whereas the Municipality wishes to reduce the generation and the environmental impact of waste to ensure that the socio-economic development, the health of the people within the Municipality’s boundaries and the quality of environmental resources are not unduly adversely affected by waste;

Whereas the Municipality wants to ensure that, all residents, organisations, institutions, businesses, visitors or tourists and government departments are able to access services from a legitimate waste management service provider; and

Whereas the Municipality wishes to regulate generation, cleaning, separation, storage, collection, processing, treatment, recycling, re-use and disposal of waste, including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation of waste.

Whereas the Municipality enacts as follows:-

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Definitions

1. In this By-Law, unless the context indicates otherwise:

“accredited service provider” means a person or entity accredited by the Municipality in accordance with the terms and conditions of a refuse removal system approved by the Municipality and who provides a waste management service in the Municipality and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives;

“building waste and demolition waste” means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition, but excludes garden waste;

“bulky waste” means waste which can be classified as domestic or business waste but which by virtue of its mass, shape, size or quantity cannot easily be accumulated

“business waste” means waste that emanates from premises that are used, whether lawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes, and also applies to waste generated by informal traders and residential premises where commercial activities are being conducted.

“chemical waste” includes discarded solid, liquid and gaseous chemicals;

“Municipality” means the Municipality of Knysna established in terms of section 12 of the Municipal Structures Act 117 of 1998 and includes authorised;

“Director” means the Director of Community Services, responsible for solid waste in the Municipality;

“unlawful dumping” means dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the afore going, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

“event waste” means waste that originates from the activities related to an event that is held in the Municipal area;

“E-waste” means electric and electronic equipment waste such as lighting equipment, circuit boards, mobile phones, computers, television sets and audio visual equipment that are still mainly treated as domestic or business waste but with a high need and potential for recycling.

“garden waste” means organic waste which emanates from gardening or landscaping activities at residential, business or industrial properties including but not limited to soil, grass cuttings, leaves and branches, and includes any biodegradable material and includes such waste emanating from residential, business or industrial properties, but excludes waste products of animal origin;

“hazardous waste” means health care risk waste and any waste that may, by circumstances of the production, use, quantity, concentration or inherent physical, chemical or toxicological characteristics thereof, have a significant adverse effect on the environment, or the health of a person or other living organism or which may cause pollution;

“health care waste” means any waste -

(a) Generated by or derived from medical care or medical research including but not limited to -

- (i) infectious waste;
- (ii) pathological waste;
- (iii) sharp waste;
- (iv) pharmaceutical waste;
- (v) genotoxic waste;
- (vi) chemical waste;
- (vii) pressurized container waste;
- (viii) waste with heavy metals;
- (ix) radioactive waste;
- (x) general waste

(b) That has been in contact with blood, bodily fluids or tissues from humans, or infected animals from veterinary practices;

“infectious waste” means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes cultures and stocks of infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolation ward, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues including swabs and any other instruments or materials that have been in contact with infected persons or materials;

“pathological waste” includes all human tissues, organs, body parts, fetuses, blood and bodily fluids and also those of animals;

“**sharp waste**” includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word “sharp” has a corresponding meaning;

“**pharmaceutical waste**” includes expired, unused, split and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

“**genotoxic waste**” means highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

“**pressurized container waste**” includes pressurized cylinders and cartridges used in health care facilities to store gases;

“**radioactive waste**” includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as *in vitro* organ imaging and tumour localization and various investigative and therapeutic practices;

“**general waste**” means waste that does not pose an immediate hazard or threat to health or to the environment, and includes-

- a) domestic waste;
- b) building and demolition waste;
- c) business waste; and
- d) inert waste;

“**health care risk waste**” means that portion of health care waste that is hazardous and includes infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, waste with heavy metals, radioactive waste, and any other health care waste which is defined as hazardous in terms of the Western Cape Health Care Waste management Act No. 7 of 2007 or any other applicable legislation.

“**holders of waste**” means any person who imports, generates, stores accumulates, transports, processes, treats, exports or disposes of waste and also includes recycles and scrap dealers;

“**industrial waste**” means waste that emanates from premises that are used wholly or mainly for industrial purposes and generate waste through manufacturing, industrial or fabricating processes including premises used for agricultural activities, mining activities or the operation of power stations;

“**inert waste**” means waste that

- a) does not undergo any significant physical, chemical or biological transformation after disposal;
- b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant

“**integrated waste management plan**” means an integrated waste management plan that is required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

“**licensed waste disposal facility**” means a site, or premises which is licenced by Province of the Western Cape or the National Government and used for the accumulation or disposal of waste;

“**litter**” means waste, excluding hazardous waste, arising from activities in public areas that has not been disposed of in a public litter container;

“**owner**” includes the registered owner, lessee or occupier of a premises, or the person in charge or control of any premises or part thereof, and any person who obtains a benefit from the premises or is entitled thereto;

“**minimisation**” when used in relation to waste, means the avoidance of the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is disposed of;

“**person**” includes any organ of state;

“**priority waste**” means waste declared to be such by the Director in terms of this By-law or in terms of national or provincial legislation;

“**recyclable materials**” means any material that can be converted into materials that can be re-used to make new products or resources;

“**residential waste**” means waste that emanates from premises used wholly or mainly for residential, educational, sport or recreational purposes and may include recyclable materials and non-recyclable material, but excludes hazardous waste;

“**receptacle**” means a standard type of refuse container, which includes a plastic bag, as prescribed by the Municipality for placement inside a container.

“**Tariff Policy and Tariff By-Law**” means the Tariff Policy, By-Law adopted by the Council of the Municipality and published in the Provincial Gazette from time to time;

“**waste**” means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the National Minister of Environmental Affairs and Tourism by notice in the *Government Gazette* or by the member of the Executive Council of the Province of the Western Cape who is responsible for waste management in the Province of the Western Cape, as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity;

“**waste generator**” means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, building contractors, scrap dealers and buy-back centres;

“**waste management officer**” means the Solid Waste Manager or an officer referred to in section 25 of this By-law;

“**waste with heavy metals**” includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic;

“**public place**” any square, street, through fare, bridge, partway, sidewalk, alley, open area, garden, park or any open area in the area of jurisdiction of the municipality;

Application of this By-law

2. In the event of conflict between this By-law and any other By-law of the Municipality dealing with waste management this By-law must prevail.

Categorisation of waste

3. (1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law, to the extent that it is unclear under which category a type of waste falls.
- (2) The decision of the Director must, subject to any other law, be final in the categorizing of waste.

Obligations of waste generators

4. (1) A waste generator must -
- (a) avoid the generation of waste or where it cannot be avoided minimise the toxicity and amounts of waste generated;
 - (b) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non-recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;
 - (c) re-use, recycle or recover waste where possible;
 - (d) dispose of recyclable waste by -
 - (i) contracting with the Municipality where the waste generator will be charged at the Municipality's standard charge in terms of the Tariff By-law;
 - (ii) where the Municipality does not provide such a service by contracting with an accredited service provider; or
 - (iii) delivering waste to a licenced waste disposal facility and ensure that waste is treated or disposed of in an environmentally sensitive manner at a licensed waste disposal facility;
 - (e) manage waste so that it does not endanger health or the environment or create a nuisance;
 - (f) maintain suitable cleanliness and hygiene standard on their premises as required by the Eden Districts Municipal Health [Department](#) or other applicable legislation.
 - (g) make use of the waste removal services provided by the Municipality or its service provider, unless the Municipality does not provide a waste removal service for the type of waste to be disposed of, in which case they shall make use of an accredited service provider.

- (h) conclude a contract with the Municipality, its service provider or an accredited service provider, as the case may be, for the storage and collection of waste;
 - (i) store waste in the containers provided by the Municipality or an accredited service provider prior to collection or where a container is not provided, store waste in plastic black bags, which containers or bags will be collected by the service provider at least once a week according to the routes as published by the Municipality or the service provider from time to time;
 - (j) pay tariffs and rates charged by the Municipality for such waste removal services according to the Municipality's ~~Credit Control and Debt Collection By-law~~ Tariff policy.
- (2) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipal's Tariff-By-law and Tariff Policy.
 - (3) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.
 - (4) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.
 - (5) Should the waste generated by a waste generator, exceed the volume that can be stored in the containers provided or bags, the owner must make arrangements for the collection of the excess waste by the Municipality, charge in terms of the Tariff By-law, or an accredited service provider where the municipality does not provide such a service.
 - (6) If no arrangement is made for collection of excess waste, the owner or waste generator must promptly transport that additional waste to and deposit it at a licenced waste disposal facility at his or her own cost.
 - (7) The owner of a formal dwelling who has other structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the Municipality and shall be entitled to have it collected on the same terms as the residential dwelling. This provision will specifically exclude backyard dwellers and no additional costs shall be added for the collection of additional waste generated by such back yard dwellers.
 - (8) The owner of the property will have to sign an additional contract with the Municipality for storage, collection and disposal of waste contemplated in subsection (7) and shall be liable for the charges levied by the Municipality in connection therewith.
 - (9) Any business or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as and when determined by the Director from time to time.
 - (10) A waste generator generating industrial waste, including Hazardous waste, must contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility.
 - (11) The owner must on demand prove to the waste management officer that he or she has entered into a suitable agreement with an accredited service provider, for the collection, processing, treatment or disposal of industrial waste, including Hazardous Waste, at least once per week or as determined by the waste management officer.

- (12) An accredited service provider must in respect of industrial waste as defined by SANS 10228 and 10229 comply with all legislation relating to handling, transfer, storage, use, treatment and transportation of the dangerous goods and dispose of it at a licenced waste disposal facility or landfill site.
- (13) A waste generator generating industrial waste shall submit an integrated waste management plan to the Municipality and comply with the terms and conditions set out by the Municipality for the generation, minimisation, storage, recycling, collection and disposal of such waste.
- (14) Garden waste generated at properties being used mainly for residential purposes may be composted on the property, or it may be stored in a compost heap or suitable bags as per the Municipality's requirements, and it may be kept on the property until removal or taken to a licensed waste disposal facility.
- (15) The waste generator maybe called upon by the waste management officer to produce a weighbridge ticket or relevant documentation as proof of proper disposal of garden waste over a certain mass, as determined by the Municipality in terms of its guidelines and conditions imposed from time to time.
- (16) Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall not store such waste in containers provided by the Municipality for residential waste and shall remove and dispose of it at a licenced crushing plant or landfill site or any other licenced building waste disposal facility.
- (17) When plans are submitted to the Municipality for its approval in terms of the National Building Regulations and Building Standard Act, 1977 (Act No. 107 of 1977), the person submitting same must submit simultaneously therewith -
 - (a) an integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;
 - (b) what provisions are made to store, minimize and separate the waste on their property; or
 - (c) provide a permit to store the waste on the Municipalities property.
- (18) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licensed waste disposal facility for the treatment and disposal of hazardous waste.
- (19) The owner of the facility where building rubble is disposed of shall provide a monthly report to the waste management officer of the mass of such waste deposited at such facility.
- (20) The waste generator or the owner of the property on which building waste is generated who deposits or stores waste on property of the Municipality may be fined for failure to have or produce a permit for such deposit or storage.
- (21) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been disposed of.

- (22) The owner of the property referred to in subsection (21) will be required to provide the building control officer with proof of a certificate or relevant documentation that he or she has disposed of the full mass of the building rubble at a licenced waste disposal facility for the category of waste prior to an occupancy certificate or any final approvals being granted.
- (23) Only animal proof containers may be used by residents in areas, which the Municipality has declared as animal problem areas, and these containers are at cost obtainable from the Municipality at a determined cost.
- (24) If an owner or occupier of premises in a problem animal area is using a receptacle that does not comply with the requirements of the Municipality, he will be instructed to obtain an animal proof container from the Municipality and, in cases where the Municipality is of the opinion that more than one animal proof container is needed due to the volume of waste, the owner or occupier will be compelled to purchase such from the Municipality.
- (25) Nothing that may cause damage to the refuse compactor of the Municipality may be deposited in approved domestic and business waste containers or animal proof containers and where such care is not taken and damage of municipal equipment takes place, the Municipality will hold the owner or occupier liable for the full cost of such damage.

Hazardous waste

5. (1) A waste generator who generates hazardous waste and an owner of property where hazardous waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licenced hazardous waste disposal facility.
- (2) A person transporting the hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle.

Event waste

- 6.(1) Any person who is directly or indirectly involved with the organisation or management of a sporting, entertainment, cultural or religious event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres, must submit an integrated waste management plan consistent with this By-law to the waste management officer in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event and comply with the terms and conditions set out by the Municipality.
- (2) Any person who intends to generate event waste shall contract with an accredited service provider for the collection and disposal of such waste to a licenced waste disposal facility and provide proof of this to the Municipality as part of its integrated waste management plan.
- (3) Should a person fail or neglect to obtain services of an accredited service provider in terms of subsection (3) prior to the event in question, or fail to provide the Municipality with the integrated waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (4), arrange for the collection, clean-up, recycling and disposal of the waste.

- (4) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organiser in terms of the Municipality's Credit Control and Debt Collection By-law.

Priority waste

7. (1) The Director must in terms of the By-law categorise priority waste if he or she reasonably believes that special measures are required in respect of the management of that waste, because it -
- (a) poses a significant threat to health or the environment;
 - (b) may persist in the environment;
 - (c) contains or could foster pathogens or communicable diseases; or
 - (d) has been declared a priority waste in terms of other applicable legislation.
- (2) The Municipality may publish guidelines from time to time insofar as may be necessary in respect of categorisation of waste.

Emergencies requiring the management of waste

8. (1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage it within a ~~period~~ ~~period~~ stipulated ~~period~~by the Municipality.
- (2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licensed waste disposal facility accredited for the specific type of waste generated.
- (3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infrastructure, buildings, equipment or natural environment in this process.
- (4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the Municipality's resources, equipment and materials shall be for the account of the person responsible for the emergency.
- (5) If an emergency occurs by an act of God, the Municipality will deal with such emergency in such manner as the circumstances ~~and funding~~ may allow.

Waste management information system

9. (1) The Municipality shall establish and maintain a waste information system including information on the levels and extent of waste management services provided by it and enter such information on the IPWIS as and when required.
- (2) The Municipality may require from a holder of waste or any person to furnish the Municipal within a reasonable time or on a regular basis with such data, documents, information, samples or materials and the verification of information reasonably required by the Municipality to discharge its responsibilities in terms of subsection (1).

- (3) The Municipality may request a person or holder of waste that it reasonably believe should be registered on the IPWIS and/or the national waste information system to effect such registration and submit proof thereof to the Municipality or to submit proof of not conducting a waste management activity obligating such registration within a time that the Municipality regards as reasonable.

Integrated waste management plan

10. (1) An integrated waste management plan must be submitted by the waste generators listed in subsection (10) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- (2) An integrated waste management plan must include -
 - (a) an assessment of the quantity and type of waste that will be generated;
 - (b) a description of the services required to store, collect, transport and dispose of such waste;
 - (c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
 - (d) the waste minimisation and pollution prevention plans of such waste generator;
 - (e) the impact or potential impact on the environment of the waste created by them;
 - (f) the type of characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste; and
 - (g) targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.
- (3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.
- (4) Industrial and business entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.
- (5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.
- (6) The waste management officer must consider the plan and -
 - (a) approve it with conditions and give directions for the implementation thereof;
 - (b) request that additional information be furnished or a revised plan be submitted for approval;
 - (c) require amendments to be made within a time frame so specified by them;
 - (d) reject the plan and provide reasons therefore; or
 - (e) approve such a plan and specify conditions pertaining to such approval.
- (7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must

be taken by the waste generator and should the waste generator fail to take such measures within in the time frame specified by the waste management officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.

- (8) The Director may by written notice require any person to provide such information, as he or she requires when preparing the Municipalities integrated waste management plan.
- (9) Should a person fail to provide the information referred to in subsection (8), the Director may appoint an auditor to obtain such information at the cost of waste generator.
- (10) The waste generators of the following classes of waste must submit an integrated waste management plan:-
 - (a) business waste;
 - (b) industrial waste;
 - (c) building waste;
 - (d) event waste;
 - (e) priority waste;
 - (f) hazardous waste,
 - (g) abattoir waste;
 - (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
 - (i) any other person who is given notice to do so by the Director; or
 - (j) those persons carrying out the activities listed in paragraph (h).

Exemptions from submitting an integrated waste management plan

11. (1) If one of the waste generators for the categories of waste referred to in section (10) (10) (i) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.
- (2) A waste management officer may also declare -
 - (a) certain types of waste or waste generators;
 - (b) a particular mass or volume of waste; or
 - (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation, to be exempt from the submission of an integrated waste management plan.

Storage and transportation of waste

12. (1) Any holder of waste who stores or transports waste must ensure that -
 - (a) the container in which any waste is stored is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of waste if the waste is not in a container provided by the Municipality;
 - (b) suitable measures are in place to prevent accidental spillage or leakage;
 - (c) the waste cannot be blown away;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;
 - (e) pollution of the environment and harm to health are prevented;
 - (f) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and

- (g) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorised persons or members of the public.
- (2) The waste generator and the holder of waste ensure that waste is transported to the nearest licenced disposal facility that has capacity to deal with the waste.

Recycling, re-use, sorting and recovery of waste

13. (1) Any person who undertakes a recycling, re-use or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must, before undertaking that activity make sure by way of an environmental impact assessment or similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal.
- (2) The person referred to in subsection (1) must also submit an integrated waste management plan, and the waste management officer must, when deciding to grant authorisation, consider such integrated waste management plan.
- (3) Any person who undertakes a recycling, re-use, processing, treatment or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must register for accreditation with the Municipality that will entitle them to perform such activities.
- (4) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report as and when required in a format to be determined by the Director.
- (5) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

Prohibition of unauthorised disposal of waste

14. No person may -

- (a) dispose of waste in a manner likely to cause pollution of, or have an impact on, the environment or to be harmful to health;
- (b) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (c) dispose of hazardous waste in a container provided by the Municipality that is designed for the storage of residential or business waste or in bags to be collected by the Municipality;
- (d) burn waste especially hazardous waste except in approved incinerators which have a permit or licence to do so;
- (e) dispose of hazardous waste, unless in accordance with an approved integrated management plan;
- (f) deposit residential, business, industrial, garden, building or hazardous waste in a public litter bin; or
- (g) deal with waste in a manner that causes dust, spillage or litter.

Litter and dumping

15. (1) No person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream,

water course, street, road, wetland, coastline or on any place to which the public has access, or otherwise dispose of it nor may they allow a person under their control to do so.

- (2) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter, which is discarded by the public.
- (3) If the provisions of subsection (1) are contravened, the Director may direct, by way of a written notice to persons that -
 - (a) they cease the contravention, in a specified time;
 - (b) they prevent a further contravention or the continuation of the contravention;
 - (c) take whatever measures the Director considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment,

to ensure that the waste and any contaminated material, which cannot be cleaned or rehabilitated, is disposed of lawfully.

- (4) The Director may in respect of the notice contemplated in subsection (3) (c) state that the person must, within a maximum of 5 working days to remove the waste or litter, provided the Director may grant a further 2 days, on request of the person, to remove the litter or waste unless it poses a health hazard or environmental risk the Director can request the immediate removal of the waste or litter..
- (5) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (6) If the Municipality elects to remove the waste or litter, the person concerned shall be liable for the cost of such removal operation.
- (7) In the case of hazardous waste, the Municipality or his accredited service provider shall immediately remove same. Thereafter the Municipality shall issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

Licences

16. Any person who, or entity which, requires a licence in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate licence within 30 days or such lesser period as specified by such officer.

Waste management services, applications and registration for waste collection and removal services

17. (1) All persons collecting or removing waste must be registered for the collection and removal of waste with the Municipality or an accredited service provider.
- (2) Industries, including those that produce hazardous waste, due to the specialised nature of waste produced in these sectors, must contract with a private sector accredited service provider.

- (3) If an entity or an accredited service provider required to have a licence or approval in terms of national or provincial legislation, they are required to provide proof thereof, as well as comply with criteria determined by the Council before they will be registered by the Director.
- (4) The Director shall keep an updated record of registered accredited service providers.
- (5) Commercial and industrial undertakings, including scrap dealers requiring a waste collection and removal service, which is not provided by the Municipality, must register with the Municipality and prove that they have contracted with an accredited service provider for such service.

Access to private property

18. (1) The owner must, on request, allow a peace officer or any other duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.
- (2) When assessing the property the authorised employee must, on request, identify him or herself by producing written proof of such authority.
- (3) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorised employee.

Premises inaccessible for refuse collection

19. Should the Municipality be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

Compliance notices

20. (1) The waste management officer may issue notices to any person contravening the provisions of this By-law -
 - (a) setting out the provisions or conditions contravened;
 - (b) directing such person to comply with such provisions or conditions; and
 - (c) setting out the measures, which must be taken to rectify the contravention, and the period in which he or she must do so.
- (2) If a person fails to comply with directions given in a notice issued by the waste management officer, the waste management officer may -
 - (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
 - (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-law, who shall be jointly and severally liable therefore.
- (3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such a time as steps are taken to dispose of the

waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.

- (4) The following persons may be served with such notice:
- (a) any person who committed, or who directly permitted, the contravention;
 - (b) the generator of the waste;
 - (c) the owner of the land or premises where the contravention took place;
 - (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

Service of documents and process

21. Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person -

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or
- (e) if his or her address is unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

Failure to comply with the By-law and enforcement

- 22.** (1) If the waste management officer has issued a compliance notice in terms of section 21 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.
- (2) The waste management officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated by the Municipality.
- (3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- (4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the By-law or a licence issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- (5) The waste management officer may then direct the person who failed to comply with the By-law to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened by By-law shall be liable for the cost thereof.

Offences and penalties

23. (1) A person who contravenes sections 12(b), 12(f), 15(1) shall be guilty of an offence and shall on conviction be liable for -

- (a) littering or dumping over 8 m³ of waste or hazardous waste;
- (b) spillage or leakage over 8 m³ of waste without putting in place suitable measures;
- (c) conveying of an uncovered load of hazardous waste of any volume;
- (d) conveying of an uncovered or unsecured load which results in spillage over 8 m³ of waste or hazardous waste,

Such fine or imprisonment as the court may deem appropriate and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

- (2) Should any person induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of the By-law he or she shall be guilty of an offence.
- (3) Should any person induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.
- (4) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of the By-law shall be guilty of an offence.
- (5) Any person who commits any offence referred to in subsections (2) to (4) or any other offence in terms of this By-law shall on conviction be liable for the payment of a minimum fine of R500 but not exceeding R 10 000 or imprisonment for a minimum period of 6 months but not exceeding 2 years, or to both such fine and such imprisonment.
- (6) The court may in addition to any penalty imposed in terms of subsection (5), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.
- (7) The Court may, when considering any sentence for an offence in terms of this By-law, take into account the following:
 - (a) that a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-law;
 - (b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
 - (c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

Delegations by the waste management officer

24. The waste management officer shall be entitled to delegate to any other official of the Municipality any of his or her powers or obligations in terms of this By-law.

Functions and powers of waste management officer

- 25.** The waste management officer shall be responsible for regulating, controlling, managing and enforcing the provisions of this By-law and national and provincial legislation relating to waste management.

Amendments to waste removal services

- 26.** The Municipality may amend any existing waste removal or cleaning services once a process of public notification, participation and comment has been completed and provided the amendment is practical, cost effective and has as its objective the prevention of the proliferation of waste, the minimisation of waste or the reduction of waste to be removed.

Guidelines

- 27.** The Council may make guidelines not inconsistent with other legislation generally for the better carrying out of the objects and purposes of this By-law.

Repeal of By-laws

- 28.** The provisions of any by-laws previously promulgated by the municipality are hereby repealed as far as it relate to matters provided for in this by-law.

Interpretation

- 29.** In the event of a conflict between English, Xhosa and Afrikaans versions of this By-law, the English version shall be decisive.

Short title and commencement

- 30.** This By-law is called the Knysna Municipality Integrated Waste Management By-law, 2014 and comes into operation on promulgation thereof in the Provincial Gazette.

SWELLENDAM MUNICIPALITY

FIREWORKS BY-LAW

The Swellendam Municipality has in terms of section 156 of the Constitution, 1996, (Act 108 of 1997), read in conjunction with section 11 of the Municipal Systems Act, 2000 made the following By-Law:

1. DEFINITIONS

In these bylaws, unless the context indicates otherwise -

“**Act**” means the Explosives Act, 26 of 1956.

“**authorised official**” means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act 71 of 1962) and any official of the municipality who has been authorised by the municipality to enforce the provisions of this by-law;

“**Council**” means the Council of the Swellendam Municipality or its successors in law, and includes the Council of the Municipality and its Executive Committee and any committee or person or other body acting by veto of any power delegated to it in terms of legislation.

“**Fireworks**” means any explosive device or substance that burns or explodes after ignition, including fire crackers and which is regulated under the Explosives Act 26 of 1956 and its regulations. Furthermore, it can be defined as goods intended to be of pyrotechnic effect that are classified low hazard fireworks such as firework showers, fountains, golden rain, lawn lights, pinwheels, sparkles and volcanoes, etc.

“**Fire Cracker**” means small fireworks with entwined fuses used solely as noisemakers and not for pyrotechnic effect.

“**Fireworks Display**” means any firework discharged by any person or organisation for either religious or festive purposes.

“**Inspector**” unless otherwise qualified, means a Chief Inspector of Explosives or an Inspector of Explosives, or anyone deputed to act as an inspector under section 2 of the Explosives Act 1956.

“**Licensed Dealer**” shall have the meaning assigned to it in the Explosives Act as amended.

“**municipality**” means the Swellendam Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**Municipal Manager**” is the person appointed by the Municipality in terms of Section 82 of the Municipal Structures Act, 1998 and includes any person:

(a) acting in such position; and

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

“**Nuisance fireworks**” means a fireworks product that produces an effect involving a screech or noise, or is being altered or misused that has an effect of creating a fear or disturbance to residents. These include fireworks such as air bombs, supersonic bangs, sound shells, fountain whistle, screeches, etc.

“**Pyrotechnician**” means a person who is registered with the Chief Inspector of Explosives who is competent and suitable to produce practically or present a display of fireworks, theatrical indoor or stage pyrotechnic effect or pyrotechnic special effects.

“**Regulations**” means the Regulations published under the Explosives Act per government notice R136 on 26 May 1961.

“**SPCA**” means the Society for the Prevention of Cruelty to Animals.

2. KEEPING, STORAGE AND POSSESSION OF FIREWORKS

No person shall keep, possess or store any fireworks within the area of jurisdiction of the Municipality unless that person has obtained the necessary approval from the Inspector in terms of the Act;

3. USE AND DISCHARGE OF FIREWORKS

- 3.1** A person may not use or discharge, or cause or permit to be discharged, any fireworks in or from any enclosed place where domesticated animals are present.
- 3.2** A person may not use or discharge, or cause or permit to be discharged, any fireworks in or from any public place without prior written consent of the Municipal Manager in terms of regulation 10.34 (c) of the Regulations and for a public display of fireworks without the prior written consent of the Inspector in terms of Regulation 10.35.1 of the Regulations and of the prior written consent of the Municipal Manager.
- 3.3** A person may not use or discharge, or cause or permit to be discharged, any fireworks in or from any private dwelling, private land or any other private property without prior the prior written consent Municipal Manager in terms of regulation 10.34 (c) of the Regulations and for a public display of fireworks without the prior written consent of the Inspector in terms of Regulation 10.35.1 of the Regulations and the prior written consent of the Municipal Manager.
- 3.4** The application for the permission the written consent of the Municipal Manager in terms of subsection 3.2 and 33 above, must when submitted to the Municipal Manager, include the written consent of adjoining neighbours and must state who will be controlling the discharge of fireworks and who will be present policing it at the time the fireworks are discharged.
- 3.5** No person shall allow or permit any children under the age of 16 to handle or use fireworks except under the supervision of an adult person.
- 3.6** It shall be regarded as unlawful for any person under the age of 16 to possess any fireworks for any reason.
- 3.7** No person shall point or direct a firework at any person, animal, building, or motor vehicle where such firework is in the process of exploding or detonating and where it is capable of projecting or discharging a charge or pyrotechnical effect from a distance of one meter.
- 3.8** All fireworks which fire a projectile shall be so set up that the projectile goes up into the air at nearly as possible in a vertical direction.
- 3.9** No fireworks shall be discharged during a wind storm in which the wind reaches a velocity of more than 50 kilometers per hour.
- 3.10** Fireworks shall be detonated or exploded as far as possible from hospitals, clinics. Petrol stations, old age and nursing homes, animal welfare organisations and institutions.

4. PERMISSION FOR USE AND DISCHARGE OF FIREWORKS

- 4.1 Subject to the provision of clause 3, the Municipal Manager may for religious, cultural or ceremonial or festive purposes, give written permission for the controlled discharge of fireworks by a registered pyrotechnician at an approved place, date and time subject to such conditions as the Municipal Manager deem appropriate in respect of each such application.
- 4.2 Any person or organisation who intends to use or discharge fireworks for any reason, shall be required to make timeous written application to the Municipal Manager at least 30 days before the event.
- 4.3 The Municipal Manager may approve cultural and other days and times during which fireworks may be detonated or exploded.
- 4.4 The Municipal Manager may approve the period preceding any festival, cultural, religious or ceremonial day or other days when fireworks may be sold to the public.
- 4.5 Fireworks may be detonated or exploded from 23h45 on 31 December of each year until 00h30 of the first day of the New Year (1 January).
- 4.6 No fireworks shall be detonated on any day or time except those days and times declared by the Municipal Manager as religious, cultural or ceremonial in respect of that particular person or organisation for which prior written approval had been obtained.
- 4.7 The Municipal Manager shall be guided by these bylaws and the provisions of the Explosives Act in exercising his discretion whether to grant the permission or not.
- 4.8 In the event of the Municipal Manager approving any application for any fireworks display, he shall furnish a copy of his written approval and conditions, to the local offices of the Inspector of Explosives, Air Traffic Control, SAPS and the SPCA.
- 4.9 Any approval granted by the Municipal Manager in respect of any fireworks display, shall not relieve the applicant or any other person or organization from any other obligation under any other law.

5. CANCELLATION OF FIREWORKS DISPLAY

- 5.1 An authorised official shall oversee any approved fireworks display and the instructions of the Municipal Manager must be strictly complied with in respect of such fireworks display.
- 5.2 The Municipal Manager shall be entitled to withdraw approval or forthwith verbally cancel any fireworks display where he considers wind direction or other weather conditions to be unfavourable or dangerous.
- 5.3 The Municipal Manager shall be entitled to withdraw approval or forthwith verbally cancel any fireworks display where he becomes aware of any circumstances or condition that he considers will render any such fireworks display unfavourable or dangerous.

7. ADDITIONAL CONDITIONS

The Municipal Manager may–

- 7.1 Require that notice of an application for a fireworks display be advertised in the local newspaper by the applicant.
- 7.2 Restrict the size and type of fireworks used in any approved fireworks display.

7.3 Stipulate fire precautions and safety measures to be taken by an applicant in respect of any approved fireworks display.

7.4 Confiscate any fireworks from a person found to be selling them on the street or otherwise.

8. SALE OF FIREWORKS

8.1 Only a person who has been given permission as a licensed dealer of fireworks shall be authorised to sell fireworks.

8.2 A dealer in fireworks shall not sell or allow or permit to be sold any fireworks to a child under the age of 16 years whether for his or her own use or not.

8.3 Sale, distribution or storage of fireworks in or from vehicles, trailers or temporary structures or industries is prohibited.

8.4 No fireworks shall be sold by a person or a dealer on any other day or time other than on the prescribed days.

8.5 No licensed dealer shall sell fireworks other than in a family pack which contains an assortment of family fireworks in which nuisance fireworks or fire crackers, when totalled, shall not comprise more than 20% of the entire item in the package.

9. COSTS

9.1 The applicant shall, in respect of any application for any fireworks display, be liable for all costs incurred in respect of any application and any approved fireworks display.

9.2 The applicant shall pay all costs in respect to any fire brigade standby duties rendered at any fireworks display.

10. PENALTIES

10.1 Any person who contravenes any provision of these bylaws shall be guilty of an offence and upon conviction, to a fine or in default of payment to imprisonment for a period not exceeding six months.

10.2 Nothing in this clause contained shall be construed as exempting any person from being charged or punished under the common law or any other statute in respect of any such act or omission as described in this bylaw.

11. REVOCATION OF BY-LAWS

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

12. SHORT TITLE AND COMMENCEMENT

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

SWELLENDAM MUNICIPALITY
APPLICATION FOR DISPLAY OF FIREWORKS

PO Box 20 Swellendam 6740; 49 Voortrek Street Swellendam 6740

Email info@swellenmun.co.za Facsimile 028 514 2994; Telephone 028 514 8000

This application must be completed in full and submitted to the office of the Municipal Manager at least within 30 days of the date of the proposed event. The applicant must take into account the possibility that the application will have to be advertised in which case the application will have to be submitted much earlier.

Date of application:	
Name of Organisation / Applicant:	
Represented by:	
Telephone Number:	
Postal Address:	
Facsimile Number:	

Location of fireworks display:	
Date of fireworks display:	
Time of fireworks display:	

Reason for fireworks display:	
Pyrotechnician in Control of fireworks display:	
Cellular contact number:	

I, the above - named applicant or representative of the organization making application for permission to hold a fireworks display, hereby submit application in respect of a fireworks display as detailed above and I agree to comply with the stipulations of the fireworks bylaws, explosives act and the conditions set down by the Municipal Manager in respect of the fireworks display. I also undertake to pay all costs in respect of this application and any fire brigade services rendered in association with the fireworks display.

Name:		Signature:	
Designation:		Date:	

For Office Use

Peace Officer:		Date Inspected:	
Date Approved:		Signature:	
Authorised Officials approval		Signature	

Air traffic Control Notified	
Inspector of Explosives Notified	
SAPS notified	
SPCA notified	

Conditions of Approval:



WESTERN CAPE GOVERNMENT

DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

CHIEF DIRECTORATE: IMMOVABLE ASSET MANAGEMENT

NOTICE OF PROPOSED DISPOSAL OF PROVINCIAL STATE LAND

Notice is hereby given in terms of the provisions of the Western Cape Land Administration Act, No. 6 of 1998 and its Regulations that the Chief Directorate Immovable Asset Management, Department of Transport and Public Works on behalf of the Western Cape Government, proposes to dispose of the Remainder of Farm No 1499 Cape Rd at Philippi (**the South African Police Training College**), approximately 13.4099 hectares in extent.

Interested parties are hereby called upon to submit any representations, in writing, which they wish to make regarding such proposed disposal in terms of Section 3(2) of the Act, to The Chief Director: Immovable Asset Management, 4th Floor, No.9 Dorp Street, Cape Town, 8001, or at Private Bag X9160, Cape Town, 8000, or by facsimile at (021) 483-7682, not later than 21 (twenty one days) after the last date upon which this notice appears.

The description of the property proposed to be disposed is as follows:

ERF NO.	ADMINISTRATIVE DISTRICT	TITLE DEED NUMBER	EXTENT	CURRENT ZONING	CURRENT USE OF LAND
Remainder of Farm No 1499 Cape Rd at Philippi	Cape Rd	T100827/2001	13.4099 ha	Agriculture	South African Police Training College

Relevant information of the afore-mentioned Provincial State land and the proposed disposal is available for inspection at the office of the Chief Director: Immovable Asset Management, 4th Floor, No. 9 Dorp Street, Cape Town.

The contact person is Mr. J Titus who can be contacted on telephone number (021) 483 5214 or e-mail address: John.titus@westerncape.gov.za



WES-KAAPSE REGERING

DEPARTEMENT VAN VERVOER EN PUBLIEKE WERKE

HOOF DIREKTORAAT: VASTE BATEBESTUUR

KENNISGEWING VAN VOORGESTELDE VERVREEMDING VAN PROVINSIALE STAATSGROND

Kennis geskied hiermee in terme van die Wes-Kaapse Grond Administrasie Wet, 1998 No. 6 van 1998 en die Regulasies daarvan dat die Hoof Direkoraat: Vaste Batebestuur, Departement van Vervoer en Publieke Werke namens die Wes-Kaapse Regering, voorstel dat die oorblywende gedeelte van Plaas Nr 1499 Cape Rd te Philippi (die Suid Afrikaanse Polisie Opleidingskollege) (13.4099 hektaar groot) vervreem word.

Belangstellende partye word versoek om enige verhoë wat hulle wil rig met betrekking tot die voorgestelde vervreemding in terme van Artikel 3 (2) van die Wet skriftelik voor te lê aan die Hoof Direkteur: Vaste Batebestuur, 4de Vloer, Dorpstraat 9, Kaapstad, 8001 of aan Privaatsak X9160, Kaapstad, 8000 of per faks aan (021) 483 – 7682, nie later as 21 dae (een en twintig dae) na die laaste datum waarop hierdie kennisgewing geplaas word

Die beskrywing van die eiendom wat vir die vervreemding voorgestel is, is die volgende:

ERF NO.	ADMINISTRATIEWE DISTRIK	TITELAKTE NOMMER	GROOTTE	HUIDIGE SONERING	HUIDIGE GEBRUIK VAN GROND
Oorblywende gedeelte van Plaas Nr 1499 Cape Rd te Philippi	Cape Rd	T100827/2001	13.4099 ha	Agriculture	Suid Afrikaanse Polisie Opleidingskollege

Relevante inligting aangaande die voorafgenoemde Provinsiale Staatsgrond en die voorgestelde vervreemding is beskikbaar vir inspeksie by die kantoor van die Hoof Direkteur: Vaste Batebestuur, 4de Vloer, Dorpstraat 9, Kaapstad.

Die kontakpersoon is Mnr J. Titus wie by telefoonnommer (021) 483 5214 of per e-pos John.titus@westerncape.gov.za gekontak word.



URHULUMENTE WENTSHONA KOLONI
ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU
UMLAWULI OYINTLOKO: ULAWULO LWEZAKHIWO NEMHLABA
ISAZISO SOKUNIKISA NGOMHLABA WEPHONDO

Kukhutshwa isaziso ngokwemiqathango yoMthetho iWestern Cape Land Administration Act, Nomb. 6 ka-1998 neMigaqo yawo sokuba iCandelo loMlawuli loLawulo lwee-Asethi ezingenakuFuduswa kwiSebe lezoThutho neMisebenzi yoLuntu egameni loRhulumente wePhondo leNtshona Koloni, lineenjongo zokunikisa ngeNtsalela yeFama Nomb. 1499 Cape Rd ePhilippi (**Iziko loqeqesho lwaMapolisa oMzantsi Afrika**), emalunga nehektare ezi-13.4099 ubukhulu.

Abo banomdla bayamenywa ukuba bafake iziphakamiso zabo ezibhaliweyo mayelana nesi sindululo ngokwecandelo 3(2) loMthetho kuMlawuli oyiNtloko woLawulo lwee-Asethi ezingenakuFuduswa, uMgangatho wesi-4, Nomb.9, kwiSitalato iDorp, eKapa, 8001, okanye kwaPrivate Bag X9160, Cape Town, 8000, okanye ngefeksi kule nombolo (021) 483-7682, kwisithuba seentsuku ezingama-21 (iintsuku ezingamashumi amabini ananye) emva kokupapashwa kwesi saziso.

Ingcaciso yalo mhlaba kucetywa ukunikiswa ngawo yile ilandelayo:

INOMBOLO YESIZA	UMMANDLA WOLAWULO	INOMBOLO YETAYITILE	UBUKHULU	OMISELWE KONA UMHLABA	OSASETYENZI SELWA KONA NGOKU UMHLABA
Intsalela yeFama Nomb. 1499 Cape Rd ePhilippi	Cape Rd	T100827/2001	13.4099 ha	Ezolimo	Iziko loQeqesho lwaMapolisa oMzantsi Afrika

linkcukacha ezinxulumene nalo Mhlaba wePhondo uxelwe ngasentla ukuba ufuna ukuzihlola, ziyafumaneka kwiofisi yoMlawuli oyiNtloko woLawulo lwee-Asethi ezingenakuFuduswa, uMgangatho wesi-4, Nomb. 9, kwiSitalato iDorp, eKapa.

Ungaqhagamshelana noMnu. J Titus kule nombolo yomnxeba (021) 483 5214 okanye kule dilesi ye-imeyili: John.Titus@westerncape.gov.za

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