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GENERAL NOTICE
ALGEMENE KENNISGEWING

NOTICE 97 OF 2008

THEMBELIHLE MUNICIPALITY / THEMBELIHLE MUNISIPALITEIT

MUNICIPAL BY-LAWS: THEMBELIHLE MUNICIPALITY / MUNISIPALE VERORDENINGS

Notice is hereby given in terms of Section 162(1) of the Constitution of the Republic of South Africa, 1996 that Thembelihle Municipality adopted the Municipal By-laws contained in this notice and listed in the Index hereto. The said Municipal By-laws are hereby published as the Municipal By-laws of the Thembelihle Municipality and shall commence on 15 December 2008. / Kennisgewing word hiermee gegee in terme van Artikel 162(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 dat Thembelihle Munisipaliteit die Munisipale Verordenings aangeheg aan die kennisgewing en gelys in die inhoudsopgawe, aangeneem het. Dié Munisipale Verordenings is gepubliseer as die Munisipale Verordenings van Thembelihle Munisipaliteit en sal in werking tree op 15 Desember 2008.

Z. MONAKALI

MUNICIPAL MANAGER / MUNISIPALE BESTUURDER

INDEX BY-LAWS / INHOUDSOPGAWE VERORDENINGS

By-law No.1, 2008

LAW ENFORCEMENT BY-LAW, 2008

BY-LAW

To provide for the prevention of crime in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

"**car guard**" means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and "**organisation for car guards**" shall have a corresponding meaning;

"**law enforcement officer**" means a person authorised by or under any law to police or enforce any by-law of the Municipality;

"**Municipality**" means the Thembelihle municipality;

"**public place**" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"**public property**" includes any bridge, building, structure or permanent fixture that forms part of a public place or is to be found in, on or at a public place, or is by law public property; and

"**street**" includes a sidewalk.

Damage to public property prohibited

2. No person shall remove, damage, deface, conceal or tamper with public property.

Surface of streets may not be defaced

3. Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, deface the surface of any street or part thereof.

Display of signs, posters and banners regulated

4. (1) No person shall display any sign, poster or banner that is indecent, offensive or lewd –

(a) in, on or at a public place; or

(b) in such a manner that it is readily visible from a public place.

(2) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -

(a) at a public place; or

(b) on private property (except private property zoned for business related or industrial related purposes by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place, advertise by displaying any sign, poster or banner.

Display of street numbers

5. The owner or occupant of built up premises must display the street number allocated to such premises by the Municipality, at a prominent place, facing the street concerned in such a way that it is readily legible from the street.

Damage of street names and street numbers prohibited

6. No person shall damage, deface, remove or render illegible -

(a) a plate displaying a street name;

(b) a street number contemplated in section 5; or

(c) any sign authorised or erected by the Municipality.

Regulation of begging in or from public places

7. (1) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall –

(a) beg or collect alms in or from a public place;

(b) beg or collect alms from door to door.

(2) Conditions contemplated in subsection (1) must include, but shall not be limited to -

(a) delimitation of the area in which such person may beg or collect alms;

(b) hours during which such person may beg or collect alms;

(c) places prohibited for such person to beg or collect alms; and

(d) the period (not exceeding one year) for which the permission is granted.

(3) A person who begs or collects alms in accordance with a written permission contemplated in subsection (1) must be in possession of such written permission and produce it on request to -

(a) a person approached by that person;

(b) any person with an apparent interest in his or her conduct; or

(c) a law enforcement officer.

Regulation of car guards

8. (1) No person shall act as a car guard unless that person is –

(a) registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and

(b) employed by an organisation for car guards and acts in the employ of and under the control of that organisation.

(2) An organisation for car guards shall not render a car guard service unless that organisation -

(a) has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission;

(b) is a "security business" as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act;

(c) ensures that any of its employees rendering a car guard service –

(i) is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001; and

(ii) complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act, 2001.

(3) Conditions contemplated in subsection (2)(a) must include, but shall not be limited to –

(a) delimitation of the area in which such organisation for car guards may render a car guard service;

(b) hours during which such organisation for car guards may render a car guard service;

(c) places prohibited for such organisation for car guards to render a car guard service; and

(d) the period (not exceeding one year) for which the permission is granted.

Unlawful acts in relation to public places

9. (1) No person shall leave, spill, drop or place in, on or at a public place any matter or substance –

(a) that may impede the cleanliness of such public place; or

(b) that may cause annoyance or danger to any person, animal or vehicle using such public place.

(2) No person shall spit, urinate or defecate in, on or at a public place.

Inhalation, provision or disposal of certain substances prohibited

10. (1) Subject to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect.

(2) No person shall dispose of any container of a substance referred to in subsection (1) -

(a) through the municipal refuse system; or

(b) by leaving it in, on or at a public place.

(3) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

Dumping, leaving or accumulation of certain objects or substances in public places prohibited

11. (1) No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste –

(a) in, on or at a public place;

(b) except at a place designated by the Municipality for dumping.

(2) Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

Unlawful acts in relation to trees in public places

12. (1) No person shall –

(a) break or damage a tree in a public place; or

(b) mark or paint such tree.

(2) Except with the prior written permission of the Municipality, no person shall -

(a) display an advertisement on a tree in a public place;

(b) lop, top, trim, cut down or remove such tree.

Gathering or obstruction of streets prohibited

13. Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), no person shall gather, sit, lie or walk in a street in such manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street.

Prohibitions in relation to places of religious worship

14. (1) No person shall, without reasonable cause, linger in the immediate proximity of a place of religious worship immediately before, during or after assembly of the congregation.

(2) No person shall vex, hinder or impede any member of a congregation attending religious worship or proceeding to or leaving from a place of religious worship.

Nuisance prohibited

15. No person shall, in, on or at a public place -

(a) use indecent, offensive or lewd language;

(b) ignite or burn rubble or refuse;

(c) burn any matter that produces an offensive smoke;

(d) cause an offensive smell;

(e) cause a disturbance to other persons by fighting, shouting or arguing;

(f) cause excessive noise by –

(i) singing;

(ii) playing musical instruments;

(iii) the running of an engine;

(iv) the use of a loudspeaker, radio, television or similar device; or

(v) any other means.

Disturbance of peace prohibited

16. (1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, shouting or arguing in a boisterous way.

(2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other firework causing a loud noise.

Advertising by sound-amplifying equipment regulated

17. Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall, by the use of any sound-amplifying equipment on business premises -

(a) play music; or

(b) use a microphone or recording to invite any member of the public to enter that premises or to do business there, in such a way that it can be heard from a public place.

Touting regulated

18. Except in an area designated by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place -

(a) tout; or

(b) in any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

Exhibition of obscene visual images regulated

19. (1) Except in a separate private room to which access can only be attained through a door on which the words "Admittance only for persons of 18 years and older" have been printed boldly and which is situated inside the business premises concerned, no person conducting business in –

(a) the selling, hiring out or screening of films; or

(b) the selling of publications, shall exhibit a film or publication, the container or cover, as the case may be, of which contains a drawing, picture, illustration, painting, photograph or image or combination thereof, depicting sexual conduct.

(2) For the purposes of subsection (1) –

"**film**" means –

(a) any sequence of visual images recorded on any substance, whether a film, magnetic tape, disc or any other material, in such manner that by using such substance such images will be capable of being seen as a moving picture;

(b) the soundtrack associated with and any exhibited illustration relating to a film as defined in paragraph (a);

(c) any picture intended for exhibition through the medium of any mechanical, electronic or other device;

"**publication**" means –

(a) any newspaper, book, periodical, pamphlet, poster or other printed matter;

(b) any writing or typescript, which has in any manner been duplicated;

(c) any drawing, picture, illustration or painting;

(d) any print, photograph, engraving or lithograph;

(e) any record, magnetic tape, soundtrack, except a soundtrack associated with a film, or any other object, in or on which sound has been recorded for reproduction;

(f) computer software, which is not a film;

(g) the cover or packaging of a film;

(h) any figure, carving, statue or model;

(i) any message or communication, including a visual presentation, placed on any distributed network, including, but not confined to, the Internet; and

"**sexual conduct**" means the display of genitals, masturbation, sexual intercourse, which includes anal sexual intercourse, the fondling, or touching with any object, of genitals, the penetration of a vagina or anus with any object, oral genital contact, or oral anal contact.

(3) The provisions of subsection (1) shall not apply to a person contemplated in section 24(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), who is the holder of a licence to conduct the business of adult premises, while such person conducts business on such premises.

Parking of heavy vehicles, trailers or caravans

20. No person shall park –

(a) a vehicle with a gross mass exceeding 9000 kg, or a trailer with a gross mass exceeding 1000 kg, for longer than 2 hours; or

(b) a caravan for longer than 24 hours, in a street.

Distribution of handbills regulated

21. Without the prior written permission of the Municipality, no person shall –

(a) place or cause a handbill or similar advertising item to be placed in or on any vehicle parked at a public place; or

(b) hand out or cause a handbill or similar advertising item to be handed out to any person in or at a public place.

Penalty clause

22. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

23. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

24. This By-law shall be called the Law Enforcement By-law, 2008.

By-law No. 2, 2008

CEMETERIES BY-LAW, 2008

BY-LAW

To provide for the establishment and management of cemeteries in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

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CHAPTER 1
Interpretation

Definitions

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

"**adult**" (where the word is used to describe a corpse) means a corpse buried in a coffin that will fit into a grave for adults as contemplated in section 14;

"**ashes**" means the remains of a corpse after it has been cremated;

"**burial**" means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in this By-law;

"**burial order**" means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) authorising a burial;

"**caretaker**" means the officer appointed by the Municipality to supervise and control a cemetery or cemeteries, and his or her delegates;

"**cemetery**" means land or part thereof, including the buildings and works thereon, that is owned and controlled by the Municipality, duly set aside and reserved for the purpose of burials and made available for public use from time to time for burials;

"**child**" (where the word is used to describe a corpse) means a corpse that is being buried in a coffin that fits into a grave for a child as contemplated in section 14;

"**columbarium**" means a memorial wall or a wall of remembrance provided by the Municipality for the burial of ashes;

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

"**grave**" means a piece of land in a cemetery laid out, prepared and used for a burial;

"**holder**" means a person to whom a reservation certificate for a specific grave has been issued in terms of a law repealed by section 24;

"**Medical Officer of Health**" means the officer appointed by the Municipality from time to time in such position and his or her delegates;

"**memorial work**" means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

"**Municipality**" means the Thembelihle municipality;

"**niche**" means the cavity in a columbarium provided for the burial of ashes;

"**plaque**" means a tablet erected on the columbarium for identification purposes;

"**prescribed fees**" means the fees as determined from time to time by the Municipality by means of resolution;

"**resident**" means a person who at the time of his or her death, was ordinarily resident within the Municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the Municipality;

"**responsible person**" means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the signature of such relative or authorised person cannot be obtained timeously for the purpose of completing the necessary application forms, another person who satisfies the caretaker as to his or her identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of this By-law; and

"**stillborn**" in relation to a child, means that it had at least 26 weeks of intra-uterine existence, but showed no sign of life after complete birth.

CHAPTER 2
Establishment and management of cemeteries

Establishment of cemeteries

2. (1) The Municipality may from time to time set aside and reserve suitable municipal land within the Municipality for the establishment and management of a cemetery.

(2) The Municipality may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Municipality may deem necessary.

(3) A cemetery established under a law repealed by this By-law, shall be deemed to be established under this section.

(4) The Municipality may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Municipality may deem expedient for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, members of security forces or war heroes, or for the creation and management of –

(a) a berm section where memorial work of a restricted size may be erected only on a concrete base provided by the Municipality at the top or bottom end of a grave, while the top surface of the grave is levelled;

(b) a monumental section where memorial work erected shall cover the entire grave area;

(c) a semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Municipality;

(d) a natural-grass section where the surface of graves are levelled and identified by numbers affixed on top of the graves in such a way that a lawnmower can be used to cut the natural grass without damaging the numbers;

(e) a traditional section where the surface of graves are levelled and memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the berm section;

(f) a columbarium section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Municipality.

Official hours

3. (1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Municipality and the cemetery office of the caretaker shall be open from Monday to Friday.

(2) Burials shall take place on the days and during the hours determined by the Municipality.

(3) The Municipality has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Municipality may deem fit.

(4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Municipality or during any period when it is closed for the public, without the permission of the caretaker.

Register

4. A register of graves and burials shall be kept by the caretaker and such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

Numbering of graves

5. (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 9, shall be numbered by the Municipality.

(2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

Reservation of graves

6. No reservation of a grave in a cemetery shall be allowed: Provided that reservation of graves made and recorded in the official records of the Municipality in terms of a law

repealed by section 24, shall still be valid and the Municipality shall honour such reserved rights.

Transfer of reserved rights

7. (1) A reserved right as contemplated in section 6 may not be transferred without the prior written approval of the Municipality.

(2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.

(3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder.

(4) The reserved right may be cancelled on request of the holder and if the request is approved by the Municipality, the amount paid by the holder (if any), minus 10 % administration fees, will be refunded to the holder.

Number of corpses in a grave

8. (1) Only one corpse may be buried in a grave with measurements as contemplated in section 14(1) or (2).

(2) Only two corpses may be buried in a grave with measurements as set out in section 14(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by submitting an application mentioned in section 9(1) before the first corpse is buried.

(3) After the reopening of a grave for the purpose of the burial of a second corpse as mentioned in subsection (2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.

(4) If on reopening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation shall be handled in consultation with the Medical Officer of Health.

CHAPTER 3
Burials

Application for a burial

9. (1) Application for permission for a burial in a cemetery shall be made to the caretaker on the prescribed application form and such application shall be accompanied by –

(a) the prescribe burial order;
(b) the prescribed fees; and
(c) a reservation certificate, where applicable.

(2) No person shall, without the prior written approval of the Municipality, execute, cause or allow a burial, including the burial of ashes or a cadaver, in any other place in the Municipality than in a cemetery established and managed by the Municipality.

(3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.

(4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the caretaker.

(5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.

(6) The allocation of a specific grave is the responsibility and in the sole discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her: Provided that in allocating a grave the caretaker shall as far as practicable allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice.

(7) The Municipality may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.

(8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.

(9) The granting of approval for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

Burial of a corpse

10. (1) All graves shall be provided by the caretaker, with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.

(2) There shall be at least 1200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.

(3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.

(4) No person shall, without the prior permission of the caretaker, conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Municipality in terms of the provisions of section 2(4) for the use of some other denomination.

(5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.

(6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.

(7) No person shall convey, or expose a corpse or any part thereof, in an unseemly manner in any street, cemetery or public space.

(8) Every application and every document relating to a burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Municipality for a period of not less than ten years.

Burial of ashes

11. (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave as contemplated in section 14(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

(2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grace or niche has been allocated for the purposes of the burial and a date and time for the burial has been arranged with the caretaker.

(3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility, shall be made to the caretaker on the prescribed application form.

(4) Niches shall be allocated by the caretaker strictly in the order in which the applications therefor are received and no reservations for future use shall be made.

(5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.

(6) An urn or casket containing ashes that has been deposited in a building, columbarium or other facility shall not be removed without the caretaker's prior written consent.

(7) Every niche containing ashes shall be sealed by a tablet approved by the Municipality and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein whereafter it shall once again be sealed.

(8) Application for the opening of a niche shall be made to the caretaker on the prescribed application form.

(9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein, unless and until –

(a) approval for the burial has been obtained in terms of the provisions of section 9;

(b) approval for the erection of the memorial work has been obtained in terms of the provisions of section 17(1); and

(c) the prescribed fees have been paid.

(10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in section 3.

(11) No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.

(12) The columbarium may be visited daily during the official hours set out in section 3.

(13) Plaques shall be made of material approved by the Municipality and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

Burial of a cadaver

12. The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in section 14(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

Persons dying outside the area of the Municipality

13. The provisions of this By-law shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the Municipality.

Measurements of graves

14. (1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long and 760 mm wide.

(2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long and 610 mm wide.

(3) In the event that a grave of a greater depth, length and width than those specified above is required, an application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker, together with the application to obtain permission for a burial.

(4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep, 2300 mm long and 760 mm wide.

(5) Permitted deviation from measurements of graves shall be as follows:

Extra wide	2300 mm long 840 mm wide
Extra long	2530 mm long 760 mm wide
Rectangular small	2300 mm long 810 mm wide
Rectangular big	2400 mm long 900 mm wide
Brick-nogging	2600 mm long 1050 mm wide

(6) The area of a rectangular grave for an adult shall be 1500 mm wide and 2600 mm long.

(7) The area of a grave for an adult shall be 1210 mm wide and 2430 mm long.

(8) The area of a grave for a child shall be 1210 mm wide and 1520 mm long, and if a coffin is too large, an adult grave shall be used.

CHAPTER 4
Cremation

Cremation

15. Cremation within the Municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the provisions of the Cremation Ordinance, 1926 (Ordinance No. 6 of 1926).

CHAPTER 5
Exhumation

Exhumation

16. (1) No person shall, without the written approval contemplated in section 3 of the Exhumation Ordinance, 1980 (Ordinance No. 12 of 1980), and then only after notifying the Municipality, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed.

(2) Any person duly authorised to exhume a corpse as set out above, shall furnish such authority to the caretaker at least 8 working hours before the time proposed for the exhumation of such corpse, and shall at the same time pay the prescribed fees.

(3) An exhumation and removal of any corpse shall be made only in the presence of the caretaker or any authorised member of the cemetery personnel, accompanied by the funeral undertaker and in accordance with the stipulated legislation applicable to exhumations and reburials.

(4) A grave from which any corpse is to be removed shall, if required by the caretaker, be effectively screened from public view during the exhumation.

(5) The person who applied for the exhumation of a corpse shall provide an acceptable receptacle for the remains and shall remove the remains after the exhumation.

(6) No person shall be permitted to reopen a grave, unless he or she has satisfied the caretaker that he or she is authorised thereto.

(7) After the exhumation of a corpse and the removal of the remains, all rights in the grave shall revert to the Municipality, and the reuse of the grave shall be done in consultation with the Medical Officer of Health.

(8) If at any time and for whatever reason the exhumation and transfer of a corpse to another grave shall become necessary, the Municipality may, after the relatives of the deceased person have been notified accordingly, exhume such body and transfer it to another grave.

CHAPTER 6
Memorial work

Memorial work

17. (1) Application for the erection of memorial works shall be made to the caretaker on the prescribed application form.

(2) The erection of a trellis around a grave is prohibited.

(3) No person shall bring or cause any material to be brought into any cemetery for the purpose of the erection or construction of any memorial work, unless and until –

(a) approval for the burial has been obtained in terms of the provisions of section 9;

(b) approval for the erection of the memorial work has been obtained in terms of the provisions of subsection (1); and

(c) the prescribed fees have been paid.

(4) Graves of war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognised body or by the government of any foreign country, shall upon application to the Municipality, be exempted from the requirement of payment of the prescribed fees.

(5) The Municipality may refuse its consent for the erection of any proposed memorial work if the plan and specification thereof reveals that it will be of inferior quality or in any manner likely to disfigure a cemetery or which bears any inscription likely to cause offence to users of the cemetery or to visitors thereto.

(6) No person engaged upon any memorial work in a cemetery shall at any time disturb any adjacent graves and on completion of such work he or she shall leave the grave and the cemetery in a clean and tidy condition and remove any building material or surplus ground therefrom.

(7) A person engaged in the erection of a memorial work in a cemetery, shall –

(a) make arrangements beforehand with the caretaker with regard to the date and time of the intended erection;

(b) ensure that all separate parts of any memorial work other than masonry-construction are affixed by copper or galvanised iron dowel-pins of a length and thickness sufficient to ensure the permanent stability of the work;

(c) ensure that any part of such work which rests upon any stone or other foundation is fairly squared and pointed;

(d) ensure that the underside of every flat stone memorial and the base or landing of every headstone is set at lest 50 mm below the natural level of the ground;

(e) ensure that all headstones are securely attached to their bases;

(f) ensure that flat stones consist of one solid piece in the case of all graves;

(g) ensure that all headstones consist of granite, marble, bronze or any other durable metal or stone approved by the Municipality;

(h) ensure that all curbing or memorial work on graves are erected on concrete foundations at least 1210 mm wide and 200 mm deep over the full width in the case of adults' graves and 910 mm wide and 200 mm deep in the case of children's graves;

(i) ensure that the sizes of monumental tombstones (all inclusive) are:

Single grave	2440 mm long 1070 mm wide
Child grave	1370 mm long 760 mm wide
Double grave	2440 mm long 2290 mm wide;

(j) ensure that all curbs on larger graves than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;

(k) ensure that any concrete foundation on any grave, upon instruction of the Municipality, is reinforced where it is considered necessary owing to the weight of the memorial work.

(8) No person shall erect any memorial work within a cemetery, unless the number and section-letter of the grave upon which such work is to be erected, are engraved thereon in such a position that it will be legible at all times from a pathway, and, only with the consent of the family of the deceased, the name of the maker of such memorial work may be placed upon any footstone.

(9) Memorial work shall be constructed and erected in a cemetery only during the official office hours as contemplated in section 3.

(10) No person shall fix or place any memorial work in a cemetery during inclement weather or where the soil is in an unsuitable condition.

(11) Every person carrying out work within a cemetery shall under all circumstances comply with the directions of the caretaker.

(12) The Municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery: Provided that in any case where any memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this By-law, shall be executed at the expense of the Municipality.

Graves supplied with a berm

18. (1) Notwithstanding anything to the contrary contained in this By-law, a grave which is supplied with a berm shall be subject to the conditions set out in subsection (2).

(2) (a) No kerbing shall be erected at such grave.

(b) The berm provided by the Municipality shall be 1200 mm long, 500 mm wide and 300 mm deep.

(c) The base of the memorial work to be erected on the berm of a single grave shall not be larger than 1000 mm long and 230 mm wide, and the memorial work, together with the base, may not be higher than 1200 mm from the ground surface.

(d) A memorial work shall not protrude beyond the base.

(e) No object shall be placed and kept on any grave: Provided that a memorial work or a vase for flowers or foliage placed in the orifice provided in the berm, may be placed and kept on a grave until such time as the ground surface over the grave is levelled.

CHAPTER 7
Maintenance

Maintenance of graves

19. (1) (a) A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person.

(b) Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the cemetery, the Municipality may by written notice addressed to the responsible person by registered post at his or her last known postal address, require of him or her to effect such repairs as may be considered necessary.

(c) On failure to effect the required repairs within 1 month of the date of such notice, the Municipality may have the repairs effected or may have the memorial work removed as it deem fit and may recover the costs for such repairs or removal from the responsible person.

(2) Unless otherwise provided for in this By-law, the Municipality shall be responsible for keeping cemeteries in a neat and tidy condition.

(3) Grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker: Provided that the Municipality shall maintain the grave, as part of the cemetery, at its own cost and in accordance with its own standards and programs.

(4) (a) All memorial work which has been dismantled for purposes of a further burial, shall be re-erected or removed from the cemetery within 2 months of the date of such dismantling.

(b) On failure to do so, the Municipality shall be entitled to remove any such dismantled memorial work from the cemetery without further notice, and to recover the costs of such removal from the responsible person.

(5) No person shall plant any tree, shrub, bush or any other plant on or in the vicinity of a grave.

(6) The Municipality shall have the right to remove, trim or prune any plants which extend beyond the limits of any grave or which are untidy.

(7) No person shall deposit any flowers, grass, weeds or other materials removed from a grave, on any other grave, roadway or any other place in the cemetery, except in the refuse bins intended for that purpose.

CHAPTER 8
General conduct in cemeteries

General conduct In cemeteries

20. (1) No person under the age of 12 years shall enter a cemetery unless he or she is in the care of an adult or with the approval of the caretaker.

(2) No person shall enter or leave any cemetery, except through the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.

(3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of this By-law.

(4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within 30 m of the boundary of any cemetery, except with the written approval of the Municipality and on such conditions as the Municipality may determine.

(5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.

(6) No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.

(7) No person shall bring into or allow any animal to enter any cemetery, and any animal found in a cemetery may be impounded.

(8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment, volume and the type of music to be played, shall be adhered to.

(9) No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the Municipality, whilst acting in the course of his or her official duty, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Municipality.

(10) No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.

(11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.

(12) No person shall bribe or try to bribe any employee in the service of the Municipality in regard to any matter in connection with a cemetery or burial, neither with money, gifts or any other benefit.

(13) No person shall, except where expressly permitted by this By-law, or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.

(14) No person shall play any game or take part in any sport, or discharge any firearm, except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.

(15) No musical instrument shall be played in a cemetery without the consent of the caretaker.

CHAPTER 9
Miscellaneous

Injuries and damages

21. A person using a cemetery shall do so on his or her own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

Firearms and traditional weapons

22. No firearm or traditional weapon shall be allowed in a cemetery.

Penalty clause and expenses

23. (1) Any person contravening or failing to comply with any of the provisions of this By-law, shall be guilty of an offence and upon conviction by a court be liable to a fine or imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.

(2) Any expense incurred by the Municipality as a result of a contravention of this By-law, or in the doing of anything which a person was directed to do under this By-law, and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

Repeal of laws and savings

24. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

25. This By-law shall be called the Cemeteries By-law, 2008

By-law No. 3, 2008

KEEPING OF DOGS CONTROL BY-LAW, 2008

BY-LAW

To provide for control of the keeping of dogs in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

"**authorised officer**" means –

(a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality's service;

(b) any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

"**dog**" for the purpose of section 3(1) and (2), means a dog over the age of six months;

"**keep**" in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

"**Municipality**" means the Thembelihle municipality;

"**owner**" in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;

"**public place**" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"**street**" includes a sidewalk; and

"**zoned**" means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

Application of By-law

2. The provisions of sections 3(1) and 5 shall not apply to premises which is zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-law or any other legislation which may be applicable.

Number of dogs

3. (1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.

(2) A breeder of dogs who wishes to keep more than two dogs on –

(a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;

(b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.

(3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless –

(a) the Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meter; and

(b) such an application is accompanied by an application for the alteration of the land-use restrictions applicable to the premises concerned, where it is necessary.

(4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted –

(a) only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and

(b) subject to such conditions and restrictions as the Municipality may deem fit to impose.

(5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2)(b).

Control of dogs

4. No person shall –

(a) permit any bitch on heat owned or kept by him or her to be in any public place;

(b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;

(c) abandon any dog owned or kept by him or her;

(d) keep any dog which –

(i) by barking, yelping, howling or whining;

(ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or

(iii) by behaving in any other manner,

interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or

(e) permit any dog owned or kept by such person –

(i) to be in any public place while suffering from mange or any other infectious or contagious disease;

(ii) which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;

(iii) to trespass on private property;

(iv) to constitute a hazard to traffic using any road or street;

(v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or

(vi) to be in any public place except on a leash and under control of some responsible person.

Fencing of property

5. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

Dogs shall not be a source of danger

6. Any person who keeps a dog on any premises shall –

(a) take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and

(b) display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

Removal of offensive matter

7. If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

Dogs on premises where food is sold

8. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

Seizure, impounding and destruction of dogs

9. (1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.

(2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this By-law.

(3) A dog impounded in terms of subsection (2), may –

(a) be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or

(b) after the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

Liability

10. Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-law.

Penalty clause

11. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

12. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

13. This By-law shall be called the Keeping of Dogs Control By-law, 2008.

By-law No. 4, 2008

KEEPING OF ANIMALS, POULTRY AND BEES CONTROL BY-LAW, 2008

BY-LAW

To provide for control of the keeping of animals, poultry and bees in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

PART 1
DEFINITIONS

Definitions

1. In this By-law, unless the context otherwise indicates -

"**animals**" means any horses, mules, donkeys, cattle, pigs, sheep, goats, indigenous mammals and other wild animals;

"**Municipality**" means the Thembelihle municipality;

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**nuisance**" means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

"**pets**" means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

"**poulty**" means any fowl, goose, duck, turkey, peafowl, guineafowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

"**special resolution**" means a resolution carried by a majority of the total number of councillors of the Municipality.

PART 2
ANIMALS

CHAPTER I
GENERAL

Written permission

2. No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this By-law are not complied with.

Number of animals

3. For the purpose of controlling and restricting the keeping of animals within townships, the Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited.

Plans for structures to be approved

4. (1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.

(2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.

(3) The number, kinds and sex of animals shall be indicated on the plan.

(4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, siting or geographical features, is unsuitable for the keeping of animals thereon.

Structures shall comply with requirements

5. (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.

(2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meter from any road boundary.

(3) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.

(4) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

Premises to be kept clean

6. (1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.

(2) All feed shall be stored in a rodent-proof place.

(3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

Animals kept in an unsatisfactory manner

7. Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, 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 or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

CHAPTER II
DOG KENNELS AND CATTERIES

Requirements for premises

8. No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:

(a) Every dog or cat shall be kept in an enclosure complying with the following requirements:

(i) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.

(ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.

(iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (ii) and on the side thereof adjacent to the surrounding outside area, to prevent stormwater from such area from entering the channel.

(b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:

(i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.

(ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.

(iii) Every shelter shall have adequate access thereto for the cleaning thereof and for devermination.

(c) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.

(d) A concrete apron at least 1 meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.

(e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.

(f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.

(g) At least 5 meter of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.

(h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.

(i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

CHAPTER III
PET SHOPS

Requirements for premises

9. No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

(a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.

(b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

(c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light-coloured washable paint.

(d) Sanitary facilities shall be provided in terms of the National Building Regulations.

(e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.

(f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.

(g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.

(h) No door, window or other opening in any wall of a building on the premises shall be within 2 meter of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.

(i) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored.

Business requirements

10. Every person who conducts the business of a pet shop shall –

(a) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:

(i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.

(ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.

(iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.

(iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;

(b) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;

(c) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;

(d) take effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;

(e) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;

(f) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;

(g) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;

(h) ensure that there is a constant supply of potable water for drinking and cleaning purposes;

(i) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and

(j) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

CHAPTER IV
PET SALONS

Requirements for premises

11. No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

(a) A room shall be provided with a minimum floor area of 6,5 m^2 for the washing, drying and clipping of dogs or cats.

(b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.

(c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.

(d) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.

(e) The room shall be equipped with –

(i) a bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations;

(ii) an impervious-topped table; and

(iii) a refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.

(f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

Business requirements

12. Every person who conducts the business of a pet salon shall –

(a) ensure that every cage, including its base, is of metal construction and movable;

(b) ensure that all pesticidal preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;

(c) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;

(d) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;

(e) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;

(f) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat faeces; and

(g) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (f).

PART 3
POULTRY

Provisions of this Part to be complied with within certain period

13. No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.

Permission of Municipality to be obtained

14. (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the Municipality.

(2) An application for such permission shall be accompanied by a site plan indicating the situation of all structures in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.

(3) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.

(4) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with.

(5) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.

(6) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.

Poultry to be kept in authorised structures

15. (1) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.

(2) No person, except members of a pigeon club, shall let loose any poultry outside the poultry-house or enclosed run for which permission has been granted.

Specifications for structures

16. No person shall erect or use for the purpose of keeping poultry any poultry-house or enclosed run, any part of which is –

(a) within 1,5 meter of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or

(b) closer than 1,5 meter from any building as mentioned in paragraph (a), or any fence; or

(c) of a vertical height more than 2,4 meter or less than 1,2 meter at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meter.

Requirements for construction of structures

17. No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:

(a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.

(b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.

(c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.

(d) The roof shall be of asbestos or corrugated iron or other suitable material approved by the Municipality.

Requirements for the keeping of poultry

18. Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall –

(a) maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;

(b) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;

(c) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;

(d) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and

(e) keep or cause to be kept no greater number of poultry in any one poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m^2 of the total floor area of such poultry-house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

Health requirements

19. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

Municipality may prohibit the use of certain structures

20. The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

Specifications for crates

21. No person shall confine poultry in crates which do not conform to the following requirements:

(a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m^2 per bird confined therein, and the height of such crate shall be not less than 750 mm.

(b) The floor area of a crate containing other poultry shall be not less than 0,045 m^2 per bird and the height of such crate shall be not less than 500 mm.

(c) The floors of such crates shall be constructed of solid wood or other solid material.

(d) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.

(e) Each crate shall be provided with suitable receptacles containing food.

(f) Different species of poultry shall not be placed in the same crate.

PART 4
KEEPING OF BEES

Application of Part

22. The provisions of this Part shall apply only within that part of the Municipality's area of jurisdiction demarcated by the Municipality by notice in the *Provincial Gazette* for the purpose of controlling the keeping of bees and shall in this Part be referred to as a "controlled area".

Requirements for the keeping of bees within a controlled area

23. No person shall keep bees within a controlled area –

(a) without a permit issued in terms of section 24(2)(b);

(b) on premises less than 3750 square metres in extent;

(c) except in a bar-framed hive approved by the Municipality, situated not less than 100m from any street, dwelling, place of business or fowl-house or place where animals or birds are kept, and enclosed by means of a sound wire fence or wall of a height not less than 1,5m at a distance of not less than 5m in any direction from such hive so as to render such hive inaccessible to animals or unauthorised persons;

(d) on premises whereon is situated any building used for the purpose of industry, business or trade; or

(e) on premises being within 400 metres, measured from the nearest point of the nearest boundary of such premises, of the nearest point of the nearest boundary of any church, school, hospital or cinema or any other place of amusement, gathering or recreation.

Permits

24. (1) An application for a permit must be done on the form provided by the Municipality and must –

(a) be directed to the Municipal Manager; and

(b) be accompanied by the fees determined by the Municipality.

(2) After receipt of the application referred to in subsection (1), the Municipal Manager may –

(a) inspect, or cause to be inspected, the premises and facilities of the applicant;

(b) issue the permit subject to such conditions as he or she may deem necessary for public safety; or

(c) in writing, refuse to issue the permit and state his or her reasons for such refusal.

(3) A permit issued in terms of subsection (2)(b) shall be valid for a period of one year and may be renewed by the permit holder before it lapses by –

(a) paying the fee determined by the Municipality for such renewal; and

(b) convincing the Municipal Manager that all permit conditions pertaining to public safety are still being adhered to.

(4) A permit issued in terms of subsection (2)(b) may be withdrawn by the Municipality if the permit holder contravenes or does not comply with any provision of this Part or any condition subject to which the permit was issued.

PART 5
PENALTY CLAUSE AND SHORT TITLE

Penalty clause

25. Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made there under shall be guilty of an offence and liable upon conviction

to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

26. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

27. This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law, 2008

By-law No. 5, 2008

STREET TRADING CONTROL BY-LAW, 2008

BY-LAW

To provide for the control of street trading in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**authorised officer**" means an officer in the employ of the Municipality authorised by the Municipality to enforce this By-law;

"**designated area**" means an area listed in the Schedule in which street trading is allowed, subject to this By-law;

"**do business**" means to buy, sell or barter any goods or to provide or offer to provide any service for remuneration;

"**Municipality**" means the Thembelihle municipality;

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**property**" means, with regard to a person doing business as a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business;

"**public place**" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"**street trader**" means a person who does business in, at or from a public place, but shall not include a person selling newspapers, and "**street trade**" or any like words shall have a corresponding meaning;

"**verge**" means that part of any road, street, sanitary passage or thoroughfare, including a sidewalk, that is or forms part of a public place, which is not improved, constructed or intended for the use of vehicular traffic.

Street trading restricted

2. (1) No person shall do business as a street trader –

(a) except with the prior written permission of the Municipality and in accordance with the conditions set out in the permission;

(b) unless he or she –

(i) is a South African citizen or has been granted the right of permanent residency or a work permit by the immigration authorities; and

(ii) owns fixed property in the area of jurisdiction of the Municipality or is for some other reason liable to pay rates and taxes to the Municipality;

(c) outside a designated area; and

(d) at any time other than during the hours specified in this By-law.

(2) Any person who does business as a street trader must have the written permission referred to in subsection (1)(a) in his or her possession and produce it on request to an authorised officer.

(3) The Municipality may, in writing, for the duration of a specific event and subject to any conditions determined by the Municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection (1).

Application for and issue of written permissions

3. (1) An application for permission to do business as a street trader must –

(a) be directed to the Municipal Manager;
(b) be in the form determined by the Municipality; and
(c) be accompanied by the fees determined by the Municipality, as well as fees for services or structures provided by the Municipality at the designated area, where applicable.

(2) The Municipal Manager must consider the application and grant or refuse the permission within 30 days after receipt of the application.

(3) If the application is successful, the Municipal Manager must forthwith issue the written permission setting out the conditions subject to which it is issued.

(4) If the application is unsuccessful, the Municipal Manager must forthwith notify the applicant accordingly and provide written reasons for his or her decision.

(5) The provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply to an appeal against a decision of the Municipal Manager contemplated in subsection (4).

Duration, renewal, lapse and withdrawal of written permissions

4. (1) A written permission to do business as a street trader shall –

(a) be granted for a period not exceeding 12 months;

(b) be extended for a period of 12 months at a time if payment of the fees determined by the Municipality is made by the street trader concerned before the end of the initial period of 12 months or each further period of 12 months, as the case may be;

(c) lapse if the fees contemplated in paragraph (b) is not paid on time.

(2) The Municipality may withdraw its permission to a person to do business as a street trader if the street trader –

(a) does not comply with or acts contrary to any condition set out in the permission;

(b) contravenes or fails to comply with any provision of this By-law or any other law;

(c) fails to obey or comply with a lawful direction or request given or made by an authorised officer;

(d) ignores or contravenes the provisions of a sign or notice displayed by the Municipality in terms of this By-law.

Designated areas and hours of trade

5. (1) The areas listed in Part 1 of the Schedule shall, subject to the provisions of this By-law and any other law, be designated as areas in which a street trader may do business.

(2) No person shall do business as a street trader except during the hours 08:00 to 18:00 on any day other than a Sunday.

General conduct of street traders

6. No person who does business as a street trader shall –

(a) place his or her property or goods in a public place that is not a designated area;

(b) allow his or her property or goods to cover a larger area than his or her allocated lot or stand in a designated area listed in Part 2 of the Schedule, if applicable;

(c) place or stack his or her property or goods in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;

(d) erect any structure for the purpose of providing shelter at the designated area without the prior written approval of the authorised officer;

(e) obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles or services;

(f) leave his or her property or goods at the designated area before or after trading hours, except in a permanent structure provided by the Municipality for that purpose;

(g) when requested by an employee or agent of the Municipality or any supplier of telecommunication, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work with regard to a public place or any such service;

(h) attach any object or goods by any means to any building, structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in, on or at a public place;

(i) make an open fire at the designated area or in circumstances where it could harm a person or damage a building or vehicle;

(j) do anything or keep combustibles in quantities contrary to the provisions of any law regarding the prevention or fighting of fires;

(k) disregard a reasonable requirement put by any officer of the Municipality commissioned with the prevention or fighting of fires, regarding his or her trade;

(l) store his or her property or goods in a manhole, stormwater drain, bus shelter, public toilet or tree;

(m) sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or singing, in a manner which may constitute a nuisance or disturbance;

(n) sell any property or goods which are dangerous or hazardous to the public health.

Cleanliness

7. (1) A person doing business as a street trader shall –

(a) keep his or her property or goods and the designated area in a clean and sanitary condition;

(b) dispose of litter generated by his or her business in whatever receptacles provided therefor by the Municipality, including recycling and dumping sites, and not dispose of litter in any manhole, stormwater drain or any other place not intended for the disposal of litter;

(c) ensure that on completion of business for the day the designated area is free of litter;

(d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public place of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, odour or noise emanating from his or her activities become a nuisance.

(2) The Municipality shall –

(a) provide receptacles at designated areas in order to facilitate the disposal of litter by street traders;

(b) ensure that the receptacles at designated areas are emptied, cleaned and sanitised on a regular basis.

Obstruction created by street trading prohibited

8. (1) No person shall do business as a street trader at a place where such business –

(a) obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;

(b) obstructs the visibility of a display window, signboard or premises;

(c) obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle;

(d) leaves less than 2 metre in width of a sidewalk clear for pedestrian use, or in any other manner obstructs pedestrians in their use of a sidewalk;

(e) obscures or impedes the view of any user of the road;

(f) causes an obstruction on a roadway;

(g) limits access to parking or loading bays or other facilities for vehicular traffic;

(h) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this By-law or any other law; or

(i) interferes in any way with any vehicle that may be parked alongside such place.

Street trading may not compete with existing businesses

9. No person shall do business as a street trader on a verge contiguous to that part of a building in which business is being carried on by another person, other than the business of a department store, supermarket or wholesaler, where the goods or services that the street trader sells or provides are of the same nature or similar to the goods being sold or services provided by the other person.

Street trading restricted to allocated lots or stands in certain designated areas

10. (1) The Municipal Manager may, when granting permission to an applicant to do business as a street trader, allocate a specific lot or stand demarcated in a designated area to the applicant, and no other person, except his or her assistant or employee, may do business on or from such lot or stand.

(2) A street trader to whom a specific lot or stand was allocated shall –

(a) do business only on or from such lot or stand;

(b) not sub-let or transfer to any other person the right to do business on or from such lot or stand;

(c) be in possession of proof that permission was granted to him or her to do business on or from the lot or stand concerned and, on request, produce such proof to an authorised officer.

(3) The designated areas in which street trading may only be done from a specific demarcated lot or stand are listed in Part 2 of the Schedule.

Street trading prohibited near places of worship, monuments and certain buildings

11. No person shall do business as a street trader on a verge contiguous to –

(a) a place of worship of any faith or denomination;

(b) a historical monument;

(c) a building used for public purposes;

(d) a building, used exclusively for residential purposes, if –

(i) the owner, person in control or occupier of any part of the building facing onto such verge has objected in writing against such trading to the Municipality; and

(ii) the fact that such objection was made, has been made known in writing by the Municipality to the street trader concerned.

Display of signs by the Municipality

12. The Municipality may display any sign or notice to give effect to the provisions of this By-law.

Street trading from mobile stands

13. Notwithstanding the provisions of this By-law, the Municipality may allot tenders to persons to trade from mobile stands, subject to the conditions determined by the Municipality.

Removal and impoundment

14. (1) An authorised officer may remove and impound any article, receptacle, vehicle or structure –

(a) which he or she reasonably suspects is being used or has been used for or in connection with street trading; and

(b) which he or she finds at a place where street trading is restricted or prohibited in terms of this By-law, which, in his or her opinion, constitutes an infringement of this By-law.

(2) An authorised officer acting in terms of this By-law shall –

(a) keep proper record of any property so removed and must inform the person apparently in control of such property (if there is such a person), of the procedure to be followed for reclaiming such property and the venue where such property will be impounded; and

(b) forthwith deliver any such property to the pound referred to in paragraph (a).

(3) Any property removed and impounded as contemplated in subsection (1) –

(a) may, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundment thereof: Provided that such

property shall, subject to the provisions of subsection (4), at any time prior to the disposal or selling thereof, be returned on proof of ownership and: Provided further, that such perishables are still fit for human consumption;

(b) shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned on proof of ownership within a period of 1 month of the date of impoundment.

(4) The Municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 day's notice: Provided that where the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he or she may think fit, or destroy the perishable property, whichever is the most cost-effective.

(5) In the case of a sale of impounded property by the Municipality, the proceeds of such sale, less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the Municipality and shall be paid into a special fund created by the Municipality dedicated to the development of the informal sector and matters ancillary thereto.

(6) The owner of property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the Municipality in connection with such removal, impoundment, sale or disposal.

Offences

15. Any person who –

(a) contravenes or fails to comply with any provision of this By-law;

(b) ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this By-law;

(c) contravenes or fails to comply with any approval granted or condition imposed in terms of this By-law;

(d) fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;

(e) deliberately furnishes false or misleading information to an officer or an employee of the Municipality; or

(f) threatens, resists, interferes with or obstructs an officer or employee of the Municipality in the performance of his or her powers, duties or functions under this By-law,

shall be guilty of an offence.

Penalty clause

16. Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding 1 year, or to both a fine and such imprisonment.

Vicarious responsibility of persons doing business as street traders

17. (1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this By-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that –

(a) he or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and

(b) he or she took all reasonable steps to prevent the act or omission.

(2) The fact that the street trader alleges that he or she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

Vicarious responsibility of employees and assistants

18. When a person doing business as a street trader is, in terms of section 17, liable for an act or omission by an employee or assistant, that employee or assistant shall also be liable as if he or she were the person carrying on the business concerned.

Repeal of laws and savings

19. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

20. This By-law shall be called the Street Trading Control By-law, 2008

By-law No. 6, 2008

ADVERTISING SIGNS AND DISFIGUREMENT OF THE FRONTS OR FRONTAGES OF STREETS CONTROL BY-LAW, 2008

BY-LAW

To provide for the control of advertising signs and the prohibition of disfigurement of the fronts or frontages of streets in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**aerial sign**" means any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the Municipality;

"**authorised employee**" means any employee authorised thereto by the Municipality;

"**clear height**" of a sign means the vertical distance between the lowest edge of such sign and the level of the ground, footway or roadway immediately below such sign;

"**depth**" of a sign means the vertical distance between the uppermost and lowest edges of such sign;

"**display of a sign**" includes the erection of any structure if such structure is intended solely or primarily for the support of such sign and the expression "**to display a sign**" shall have a corresponding meaning;

"**flashing sign**" means any illuminated sign, the light emitted from which does not remain constant in all respects;

"**flat sign**" means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250 mm in front of the surface of such wall, but does not include a poster: Provided, however, that a poster affixed to a main wall shall be deemed to be a flat sign if such poster is –

(a) not less than 0,80 m^2 in area;
(b) bordered by a permanent frame fixed to such main wall; and
(c) maintained at all times in an unmutilated and clean condition;

"**main wall**" of a building means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony;

"**Municipality**" means the Thembelihle municipality;

"**new sign**" means any sign first displayed after the promulgation of this By-law;

"**overall height**" of a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

"**person**" in relation to the display or alteration of or the addition to a sign, or in relation to the intended or attempted display or alteration of, or addition to a sign, includes the person at whose instance such sign is displayed, altered or added to, or at whose instance such sign is intended or attempted to be displayed, altered or added to, as the case may be and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person, unless he or she proves the contrary;

"**poster**" means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed;

"**projecting sign**" means any sign which is affixed to a main wall and which at some point projects more than 250 mm in front of the surface of such wall;

"**public road**" means any road, street or thoroughfare or any other place 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 footpath, sidewalk or similar pedestrian portion of a road reserve;

(c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;

(d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and

(e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge;

"**running light**" means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

"**sign**" means any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed;

"**sky sign**" means any sign that is fixed above the roof of a building other than a roof of a verandah or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and

"**thickness**" of a projecting sign means the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is affixed.

Affixing of posters and signs prohibited

2. Subject to the provisions of this By-law, no person shall affix a poster or any other sign on the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or to the front, frontage or roof of any building.

Submission and approval of application to display sign

3. (1) Save as in section 22(2) is provided, every person intending to display a new sign or to alter or to add to an existing sign (hereinafter referred to as the "applicant") shall make written application to the Municipality in the form

prescribed in the Schedule to this By-law, submitting therewith plans drawn in accordance with the following requirements:

(i) (aa) The plans shall be drawn in black ink on tracing linen or stout durable drawing paper or shall be linen prints with black lines on a white background.

(bb) Such form and plans shall be in duplicate (one set of which shall become the property of the Municipality) and shall be dated and signed in ink by the applicant or by a person authorised by such a person in writing to sign on his or her behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.

(ii) (aa) Where the sign is to be affixed to a building, the plans shall include an elevation and a section of the façade and, where necessary, of the roof of the building, drawn to a scale of 1:100 upon which shall be depicted the sign, any other signs affixed to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features.

(bb) The location of the sign relative to the ground level and, where necessary, the kerb line shall also be shown on such elevation and section.

(iii) Where the sign is not to be affixed to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation, plan and section drawn to a scale of 1:100.

(iv) Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself as may be necessary to show whether it complies with this By-law, accurately drawn to a large enough scale (but in no event less than 1:50) shall also be included.

(v) The plans shall depict full details of the structural supports of the sign, drawn to a scale of 1:20.

(vi) The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street and the distance to and the name of the nearest named cross-street, and showing the direction of true north.

(vii) The plans shall indicate the materials of which the sign is to be constructed, the manner in which the lettering thereon is to be executed, the colours to be used, and whether or not the sign is to be illuminated, and in the latter event the plans shall indicate whether or not the sign is a flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.

(2) (a) Notwithstanding the provisions of subsection (1), it shall be lawful, subject to the provisions of section 6(1), to display any poster and to replace any poster by another poster of the same size without the consent of the Municipality, if any such poster as aforesaid is displayed at a cinema or

theatre, or other place of public amusement, or on a hoarding, the erection and use of which for this purpose have been authorised by the Municipality, or is a poster which in terms of section 1 is deemed to be a flat sign.

(b) The Municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.

(3) The Municipality shall, within 21 days after receiving the form and plans referred to in subsection (1), specify to the applicant the provisions, if any, of this By-law, or of any other law that the Municipality is required or empowered to administer, with which such form or plans do not comply and the Municipality may, if it deems it necessary, return the form and plans to the applicant.

(4) Where the form and plans comply with this By-law and any other law as aforesaid, the Municipality shall approve them and shall forward one set thereof to the applicant.

(5) Approval granted in terms of subsection (4) shall become null and void if the sign has not been completed in accordance with the approved form and plans within 12 months of the date of such approval.

Existing signs to comply with By-law

4. (1) (a) Every sign existing at the date of the promulgation of this By-law shall be made to comply therewith in all respects within a period of 1 year from the date of such promulgation.

(b) Where any sign does not so comply after the said period of 1 year, it shall forthwith be removed.

(2) Where any sign not complying with the provisions of this By-law has not been made to comply therewith within the aforementioned period of 1 year, or where any sign has been erected which is not in conformity therewith, the Municipality may order the owner thereof to remove such sign.

(3) Whenever, through change of ownership or occupancy or change in the nature of the business, industry, trade or profession conducted on any premises or through the erection of new traffic signal lights or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with this By-law, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with this By-law.

Enforcement

5. (1) Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign without the prior approval of the Municipality given in terms of section 3, where such approval is required by the said section 3, shall be guilty of an offence.

(2) Any such person shall forthwith, after service on him or her of an order in writing to that effect under the hand of the authorised employee of the Municipality, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case

may be, and any such person who fails to comply with such order shall be guilty of an offence.

(3) Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the Municipality shall be guilty of an offence.

(4) Any such person shall forthwith, after the service upon such a person, of an order in writing to that effect under the hand of the authorised employee of the Municipality, discontinue or cause to be discontinued such departure, and any person who fails to comply with such order shall be guilty of an offence.

(5) Whether or not any such order as is referred to in subsections (2) and (4) has been served on any such person, the Municipality may serve upon such person an order in writing requiring such person forthwith to begin to remove or obliterate such sign or anything referred to in subsection (3) and to complete such removal or obliteration by a date to be specified in such order, which date may be extended by the Municipality as it may deem fit.

(6) If before the date for completion of the removal or obliteration required by such order such person satisfies the Municipality that such a person has complied with this By-law, the Municipality may withdraw such order.

(7) Where any person displaying a sign contravenes any of the provisions of this By-law other than those relating to the matters referred to in subsections (1) and (3), the authorised employee of the Municipality may serve a notice in writing under his or her hand upon such person, and in such notice shall cite the provisions contravened and shall specify the things to be done in order that such provisions may be complied with.

(8) Any person who fails to comply with any order referred to in subsection (5) or with the terms of any notice referred to in subsection (7) shall be guilty of an offence, and in addition the Municipality itself may give effect to such order or notice at the expense of such person.

Subject matter of signs

6. (1) No sign on any premises shall contain any words, letters, figures, symbols, pictures or devices (hereinafter called "subject matters") unless every part of such subject matter falls into one or more of the following categories:

(a) The name, address and telephone number of such premises or part thereof.

(b) The name of the occupier of such premises or part thereof.

(c) A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier thereof.

(d) Any information, recommendation or exhortation concerning, or any name, description, particulars or other indication of –

(i) any goods, not being samples, regularly and lawfully manufactured, kept and sold or kept and offered for sale on such premises; or

(ii) any services regularly and lawfully rendered or offered on such premises; or

(iii) any catering or any entertainment or amusement or any cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises:

Provided that this paragraph shall not be construed as permitting any subject matter, which, in the opinion of the Municipality, is an evasion of or not in accordance with the intent of this paragraph.

(2) Notwithstanding the provisions of subsection (1), in the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed on the part of such premises used for residential purposes.

(3) The provisions of this section shall not apply to any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xv) or (xvi) of section 22(2).

(4) Where a sign is displayed by means of a device whereby a series of consecutive signs is displayed at one place, the provisions of subsection (1) shall, subject to the following conditions, not apply to any such sign so displayed:

(a) No sign in such series, other than a sign permitted in terms of subsection (1), shall be displayed on any one occasion for a longer period than 20 seconds.

(b) The individual signs consecutively displayed within any particular 10-minute period shall all be completely different from one another in so far as their subject matter is concerned: Provided that this paragraph shall not apply to any sign permitted in terms of subsection (1).

(c) Where such device is capable of displaying news or of providing entertainment, it shall not be operated in any position or place where in the opinion of the Municipality such operation may bring about or aggravate congestion of vehicular or pedestrian traffic.

(d) No such device whether or not it is capable of displaying news or of providing entertainment shall be operated in any position or place where in the opinion of the Municipality such operation or any gathering of persons brought about thereby may detract from the amenities of the neighbourhood or to depreciate property or to cause a public nuisance.

(e) No such sign shall have a clear height of less than 9 m.

(f) Notwithstanding the granting of approval by the Municipality for the display of signs referred to in this subsection, the Municipality shall be entitled at any time thereafter to revoke such approval if it is satisfied that the display of such signs is in contravention of paragraph (a), (b) or (e) or is bringing or has brought into existence the conditions referred to in paragraph (c) or (d).

(5) (a) Where the Municipality, by notice in writing informs any person displaying signs referred to in subsection (4) of the revocation of its approval for such display, such person shall forthwith cease to display such signs and shall remove the device by means whereof such signs are displayed by a date to be specified in such notice, which date may be extended by the Municipality as it may deem fit.

(b) Any person who fails to comply with any notice referred to in paragraph (a) shall be guilty of an offence, and in addition the Municipality itself may give effect to such notice at the expense of such person.

Signs allowed on buildings

7. The following signs and no others may be affixed to or painted on buildings: Provided that the Municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein:

(a) Flat signs.
(b) Projecting signs.
(c) Sky signs.
(d) Signs affixed to or painted on verandahs or balconies.
(e) Signs painted on sunblinds affixed to buildings.
(f) Any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) of section 22(2), if all the conditions applicable to such sign are complied with.

Flat signs

8. (1) Flat signs shall not exceed, in aggregate area, 40 m^2 or one-quarter of the overall area of the main wall to which they are affixed or on which they are painted, whichever of these figures is the lesser: Provided that the Municipality may fix a lesser aggregate area for any flat sign.

(2) No flat sign shall extend above the top of such main wall or beyond either end of such main wall.

(3) (a) Where a building which is adjacent to another building, and which extends over the boundary line of the prospective width of a proclaimed road or public street, is demolished either wholly or partially and is reconstructed in such a manner that it no longer extends over the aforementioned boundary line, no flat sign shall be permitted on the sidewall of such other building facing the building so reconstructed, in so far as the said sidewall extends over the aforementioned boundary line.

(b) For the purpose of this section –

(i) "prospective width" in relation to a proclaimed road shall mean the statutory width as contemplated by any enactment promulgated by any legislative body which has legal competency to pass legislation on such a matter and in relation to a public road shall mean the width whereto it is to be widened in accordance with a town planning scheme whether in the course of preparation, awaiting approval or in operation;

(ii) "adjacent" shall mean a distance of 6 m or less.

Projecting signs

9. (1) No part of any projecting sign shall project in front of the main wall to which such sign is affixed to a greater extent than –

(i) 1,5 m in the case of a sign which has a clear height of not less than 7,5 m; or

(ii) 1 m in the case of any other sign:

Provided, however, that where such a sign has a clear height of less than 7,5 m

(a) any portion of such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two successive portions, if any, so projecting; and

(b) any such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two such signs, if any, which are in the same vertical plane.

(2) No projecting sign shall extend above the top of the main wall to which it is affixed.

(3) The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.

(4) A projecting sign shall not exceed 600 mm in thickness.

Sky-signs

10. (1) The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.

(2) No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.

(3) The length of a sky-sign shall not exceed –

(i) 14 m, if the depth of such sky-sign does not exceed 4,5 m; or

(ii) 18 m, if the depth of such sky-sign exceeds 4,5 m.

(4) Subject to the preceding provisions of this section the Municipality may allow a sky-sign in excess of 18 m in length whenever the street frontage of a site exceeds 55 m: Provided that –

(i) such sky-sign shall consist of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and

(ii) the length of such sky-sign shall not exceed one-third of the length of the road frontage of such site; and

(iii) such sky-sign shall be erected parallel to the road frontage of such site; and

(iv) if as a result of the road frontage of such site being reduced such sky-sign ceases to comply with the preceding provisions of this section, the owner of such site shall forthwith remove such sky-sign or alter it so as to comply with such provisions.

Signs on verandahs and balconies

11. (1) The following signs and no others may be affixed to or painted on verandahs and balconies:

(i) Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a verandah or a balcony.

(ii) Signs affixed flat on to or painted on a beam or fascia of a verandah or a balcony.

(iii) Signs suspended below the roof of a verandah or the floor of a balcony.

(2) No sign affixed to a parapet wall, balustrade or railing of a verandah or a balcony shall exceed 1 m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250 mm in front of such parapet wall, balustrade or railing.

(3) (a) No sign affixed to a beam or fascia of a verandah or balcony shall exceed 600 mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250 mm in front of such beam or fascia.

(b) Where any such sign is affixed to a beam which is at right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1,8 m in length.

(4) No sign suspended below the roof of a verandah or the floor of a balcony shall exceed 1,8 m in length or 600 mm in depth and every such sign shall be at right angles to the building line.

(5) Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a verandah or balcony: Provided that –

(i) such sign shall be composed of a single line of free-standing, individual, cut-out silhouette letters;

(ii) such sign shall lie in the vertical plane passing through the foremost edge of such roof, being an edge parallel to the kerb line;

(iii) the subject matter of such sign shall be limited to that referred to in paragraphs (a), (b) and (c) of section 6(1); and

(iv) the depth of such sign shall not exceed 600 mm.

(6) Notwithstanding the provisions of section 17(1), it shall be permissible for a sign suspended below the roof of a verandah or the floor of a balcony to be bordered

by a running light: Provided that such running light border shall be not more than 75 mm in width.

Signs over footways forming part of public roads and public roads

12. (1) Any sign projecting over a footway forming part of a public road shall be not less than 2,4 m in clear height: Provided that a flat sign in the form of a showcase for the display of goods may project not more than 50 mm over such footway if such footway is not less than 1,5 m wide, irrespective of the clear height of such showcase.

(2) Any sign projecting more than 150 mm over any place where persons may walk, if such place is not a footway forming part of a public road, shall be not less than 2,1 m in clear height.

(3) No part of a sign projecting over a footway forming part of a public road shall be nearer than 300 mm to a vertical plane through the kerb line of such footway.

(4) Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6 m in clear height.

Prohibited signs

13. (1) Notwithstanding anything in this By-law contained, the following types of signs are prohibited:

(a) Swinging signs, loose portable signs (other than signs designed for the purpose of being carried through the streets and signs on portable racks or other articles for containing and displaying goods), aerial signs and other signs not rigidly fixed.

(b) Posters, except –

(i) any poster referred to in section 3(2) of this By-law;

(ii) any poster comprising any such sign as is referred to in paragraph (i), (ii), (iii), (iv), (v), (vi), (vii), (x), (xv) or (xvi) of section 22(2) of this By-law.

(c) Any sign which is so placed as to obstruct, obscure, interfere with, or otherwise be likely to introduce confusion into the effective working of any traffic sign.

(2) No person shall exhibit in any place to which the public has access or shall expose to public view, any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an indecent, obscene, repulsive, revolting or objectionable character, or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons.

(3) Any person contravening the provisions of subsection (2) shall be guilty of an offence.

Signs on walls, fences and hoardings

14. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a wall (other than a wall of a building), a fence or a hoarding, unless in the opinion of

the Municipality such wall, fence or hoarding serves primarily either to conceal a condition or attribute of the property on which such wall, fence or hoarding is erected, which condition or attribute is unsightly by reason of the use to which such property is lawfully being put, or unless such wall, fence or hoarding is a temporary measure to protect the public in the neighbourhood of building, demolition or similar operations.

(2) In granting its approval in terms of section 3 for the affixing or painting of any such sign, the Municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.

(3) Every such sign affixed or painted in terms of this section shall comply with the following requirements:

(i) No such sign shall exceed 3 m in depth or 4,2 m in overall height.

(ii) Poster signs shall be enclosed with definite panels, which shall be uniform in size and level.

Signs on poles and other structures

15. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a pole or any other structure which is not a building, wall, fence or hoarding unless –

(i) such sign is indispensable for the effectual conduct of the activity in connection with which it is displayed; and

(ii) either –

(aa) it is impracticable to display a sign effectually at the premises concerned except by affixing a sign to or painting a sign on a pole or other structure as aforesaid; or

(bb) in die opinion of the Municipality a particular sign intended to be affixed to or painted on a pole or other structure as aforesaid would not detract from the amenities of the neighbourhood or depreciate neighbouring property to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of this By-law would do.

(2) Where in the opinion of the Municipality serious difficulty is experienced by the public in finding the way to a factory in an industrial zone the Municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions:

(i) Not more than one such signboard shall be erected on any one erf, but it shall be permissible to indicate the direction to more than one factory on any such signboard.

(ii) The subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers, and essential directional information and the lettering employed shall not exceed 100 mm in height.

(3) Where in its opinion this is reasonably required, the Municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township and such signboard shall not exceed 3,6 m^2 in area, and the lettering employed thereon shall not exceed 100 mm in height.

(4) In granting its approval in terms of section 3 for the display of any sign referred to in subsection (1), (2) or (3) of this section the Municipality may grant such approval for a limited period only and on the expiry of such period the person displaying such sign shall forthwith remove it.

Signs on vehicles and signs carried through the street

16. (1) No person shall carry or cause to be carried in any public road any sandwich board, lantern, flag, banner, screen or other movable advertising device if such board, lantern, flag, banner, screen or other device hinders or obstructs traffic in such road, or is likely to do so.

(2) No person shall drive or propel or cause to be driven or propelled in any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic in such road, or is likely to do so.

(3) Any person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence.

Illuminated signs

17. (1) No flashing sign shall be less than 9 m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or to cause confusion with traffic signals.

(2) No sign that is so intensely illuminated as to create a nuisance shall be displayed.

Structural requirements

18. (1) (a) Every sign affixed to a building or structure shall be rigidly attached thereto.

(b) Every sign which is affixed to the ground and every structure supporting a sign, which structure is affixed to the ground, shall be rigidly anchored to the ground.

(c) Every sign and its supports and anchorages, and the building or structure, if any, to which it is affixed, shall be of adequate strength to resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1,5 kPa.

(2) All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof and such bolts shall be not less than 12 mm in diameter.

(3) Every sign affixed to a building or a wall shall be supported by at least 4 independent supports so designed and disposed that any 2 of such supports will safely support the sign with a safety factor of 2.

(4) All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.

(5) Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all times and any person who contravenes the provisions of this subsection shall be guilty of an offence.

Use of glass

19. All glass used in signs (other than glass tubing used in neon and similar signs) shall be plate glass at least 5 mm thick.

Fire precautions

20. (1) Except as in section 22 provided, all illuminated signs and supports thereof shall be of incombustible material: Provided that the Municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.

(2) No person shall display a sign in such a way or in such a position that it may, partly or completely, obscure a sign displayed by the Municipality to indicate the location of emergency equipment or a fire hydrant terminal.

Electrical requirements

21. (1) No sign shall be illuminated except by electricity from the Municipality's mains where such supply is available.

(2) Every sign in connection with which electric current is used shall be provided with an external switch in a position to be determined by the Municipality whereby the electricity supply to such sign may be switched off.

Exemptions

22. (1) The provisions of this By-law shall not apply to any sign inside a building, except illuminated signs in shop windows.

(2) There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories:

(i) Any sign displayed by the Municipality or by any omnibus or tramway company lawfully authorised to conduct a system of transport for use by the public, and any sign affixed to a street pole with the written permission of the Municipality.

(ii) Any sign inside a shop window.

(iii) Any advertisement appearing in a newspaper or periodical sold on the streets, and any poster in connection therewith.

(iv) Any sign temporarily displayed on the occasion of –

(aa) any public thanksgiving, rejoicing or mourning; or

(bb) any other public function or occasion to which the Municipality may apply the provisions of this paragraph.

(v) Any sign displayed on any vehicle ordinarily in motion upon public roads, and any sign carried by such vehicle.

(vi) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m^2 in area, notifying only that the premises to which it is attached are to be sold on a date specified in such sign, or that a sale of furniture or household goods is to take place therein on a date specified in such sign (neither of which dates shall be more than 1 month after the date when the sign is first displayed): Provided that only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.

(vii) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m^2 in area, notifying only that the premises to which it is attached are for sale or to let or that lodgers and boarders may be received therein: Provided that only 1 such sign is displayed on any public road frontage of such premises.

(viii) Any unilluminated sign not projecting over a public road and not exceeding 1,2 m^2 in area, comprising only the name, address and telephone number of any building or premises not used for purposes of industry or trade, and attached to such premises: Provided that only 1 such sign is displayed on any public road frontage of such premises.

(ix) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m^2 in area, notifying only the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the address and telephone number of such premises and the hours of attendance (if any): Provided that only 1 such sign is displayed by any occupant on any public road frontage of such premises.

(x) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m^2 in area, advertising a function to be conducted on a date specified in such sign on the premises to which it is attached: Provided that such function is not conducted for the private gain of any individual: Provided further that such date is not more than 1 month after the date when such sign is first displayed and: Provided lastly that only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.

(xi) Any unilluminated sign not projecting over a public road, which serves only for purposes of warning or indication of direction in relation to the premises to which such sign is attached, and which is no bigger or higher than is reasonably necessary for the effectual performance of its functions.

(xii) Any sing painted directly on, or forming part of the permanent fabric of, a wall of a building.

(xiii) Any sign painted or otherwise executed on the glass of any window.

(xiv) Any sign painted directly on a verandah or balcony if it complies with section 11.

(xv) Any sign required to be displayed by law.

(xvi) Any sign displayed at premises upon which building operations are taking place relating to any services being provided, or any work being done, or any goods being supplied in connection with such operations: Provided that any such sign shall be forthwith removed when the provision of such services or the doing of such work or the supply of such goods, as the case may be, has ceased.

Savings

23. Nothing in this By-law contained shall be construed as affecting in any way rights belonging to, or duties imposed upon, the Municipality as the body in whom is lawfully vested the ownership of, or the control over, any public road or other place or thing whatsoever within its area of jurisdiction.

Waiver of provisions

24. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.

(2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

Penalty clause

25. In addition to any offence created by a specific provision of this By-law, 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 a penalty not exceeding –

(i) a fine or imprisonment for a period of 1 year or either such fine or such imprisonment or both such fine and such imprisonment;

(ii) in the case of a continuing offence, an additional fine of R50.00 or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or 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 a result of such contravention or failure.

Repeal of laws and savings

26. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

27. This By-law shall be called the Advertising Signs and Disfigurement of the Fronts or Frontages of Streets By-law, 2008

By-law No. 7, 2008

CREDIT CONTROL, DEBT COLLECTION AND WATER SERVICES BY-LAW, 2008

BY-LAW

(ADOPTED BY RESOLUTION OF THE MUNICIPAL COUNCIL OF THEMBELIHLE MUNICIPALITY)

The Municipality of Thembelihle hereby publishes the Credit Control, Debt Collection and Water Services By-Laws set out below. They have been promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and in accordance with section 13(a) of the Local Government: Municipal Systems Act (Act 32 of 2000).

TABLE OF CONTENTS:

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

CHAPTER 1: DEFINITIONS

1. Definition
For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act (Act No 32 of 2000) shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders:

"account" means any account or accounts rendered for municipal services that have been provided;

"Act" means the Local Government: Municipal Systems Act (Act No 32 of 2000), as amended from time to time;

"actual consumption" means the measured consumption by a customer of a municipal service;

"agreement" means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality's approval of a written application for municipal services made in terms of section 2, including any subsequent variation that may be made to that
agreement in conformity with these by-laws, or that is deemed to be an agreement by subsection
(3) of that section;

"applicable charges" means the rate (including assessment rates), charges, tariffs or subsidies determined by the municipal council;

"area of supply" means any area within or partly within the area of jurisdiction of the municipality to which a municipal service is provided;

"arrears" means any amount that is due, owing and payable by a customer in respect of a municipal service that has not been paid on or before the due date;

"authorised agent" means
a) any person authorised by the municipal council to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;
b) any person to whom the municipal council has delegated responsibilities, duty or obligation in respect of providing revenue services; or
c) any person appointed by the municipal council, in a written contract, as a service provider for the provision of revenue services or a municipal service to customers on its behalf, to the extent authorised by that contract;

'average consumption" means the average consumption by a customer of a municipal service during a specific period, which consumption is calculated by dividing by three the total measured consumption of that service by that customer over the preceding three months;

"commercial customer" means a customer other than a domestic customer and an indigent customer, including, but not limited to, a business or an industrial, governmental or an institutional customer;

"connection" means the point at which a customer gains access to municipal services;

"customer" means a person with whom the municipality has concluded, or is deemed to have concluded, an agreement for the provision of a municipal service;

"defaulter" means a customer who owes arrears to the municipality;

"domestic customer" means a customer who, primarily for residential purposes, occupies a dwelling, structure or premises;

"due date" means the date on which an amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 21 days after the date on which the account has been sent to the customer by any of the ways contemplated in section 56;

"emergency situation" means a situation that would if allowed to continue, pose a substantial risk, threat, impediment or danger to the present or future financial viability or sustainability of the municipality, or to a specific municipal service;

"estimated consumption" means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of municipal services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

"household" means a family unit, that is determined by the municipality to be traditional by taking into account the number of persons in the unit, the relationship between the members of a household, their ages and any other factor that the municipality considers to be relevant;

"illegal connection" means a connection to any system through which a municipal service is provided that is not authorised or approved by the municipality;

"indigent customer" means a domestic customer who is qualified to be, and who is registered with the municipality as, an indigent in accordance with these by-laws;

"infrastructure" means the facilities, installations or devices required for the rendering of a municipal service, or for the functioning of a community including, but not limited to, facilities, installation or devices relating to water, power, electricity, transport, sewerage, gas and waste disposal;

"interest" means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act (Act No 55 of 1975);

"municipality" means:
a) Thembelihle municipality, a local municipality established in terms of section 12 of the Structures Act (Act No 117 of 1998) and its successors-in-title; or
b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-laws the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
c) an authorised agent of the municipality;

"municipal council" means the municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa Act, 1996;

"municipal manager" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal

Structures Act (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

"municipal services" means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"occupier" includes any person who occupies any, or any part of any, land, building, structure or premises without regard to the title under which he or she occupies it or them, and includes any person who, for someone else's remuneration or reward, allows a lodger or tenant, or any other similar person, to use or occupy any, or any part of any, land, building, structure or premises;

"owner" means

a) the person in whose name the ownership of the premises is registered from time to time or his agent;
b) where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;
d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
e) in relation to -
    i. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act (Act No 95 of 1986), the developer or the body corporate in respect of the common property, or
    ii. a section as defined in the Sectional Titles Act (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
    iii. a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"person" means any person, whether natural or juristic and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary
association or trust;

"premises" means any piece of land, the external surface boundaries of which are delineated on:

a) a general plan or diagram registered in terms of the Land Survey Act (Act No 9 of 1927), or in terms of the Deeds Registries Act (Act No 47 of 1937);
b) a sectional plan registered in terms of the Sectional Titles Act (Act No 95 of 1986); or
c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"public notice" means publication in the media including one or more of the following:

a) publication of a notice, in the official languages determined by the municipal council -
   i. in any local newspaper or newspapers circulating in the area of supply of the municipality;
   ii. in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
   iii. on the official website of the municipality;
   iv. by means of radio broadcasts covering the area of supply of the municipality;

b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
c) communication with customers through public meetings and ward committee meetings;

"shared consumption" means the consumption by a customer of a municipal service during a specific period, that is calculated by dividing the total metered consumption of that municipal service in the supply zone where the customers premises are situated for the same period by the number of customers within the supply zone, during that period;

"subsidised service" means –
a) a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service and includes services provided to customers at no cost;
b) an area, determined by the municipality, within which all customers are provided with services from the same bulk supply connection; and
c) the receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality; and

"unauthorised service" means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, or approved by, the municipality.

CHAPTER 2: MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

Part 1: Application for Municipal Services

2. Application for Services

1. A customer wishing to qualify as an indigent customer must apply for services in the manner set out in Chapter 4.

2. No person shall, subject to the provisions of subsection (3), receive or be provided with access to a municipal service unless the municipality has given its approval to an application that has been made to the municipality on the prescribed form attached as Annexure A to these by-laws.

3. If, at the commencement of these by-laws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall, until the customer enters into an agreement in terms of subsection (2), be deemed that
   a) an agreement as envisaged by subsection (7) exists; and
   b) the level of services rendered to that customer is at a level of services elected by him.

4. The municipality, when an application for the provision of municipal services has been made to it, must inform the applicant of the levels of services that are available and the applicable tariffs or charges then current, and, if it be known, the future tariffs or charges, associated with each level of service.

5. The municipality is obliged only to provide a level of service specifically requested by the applicant if the service is currently being provided and if the municipality has the resources and capacity to provide that level of service.

6. A customer may at any time apply for an alteration to the level of services that was elected in terms of an agreement, and, if she does so, the municipality may approve the application if it has the capacity and resources to provide the requested level of service altering the level of services subject to the condition that the customer shall be liable, for the cost of effecting the alteration and, if it be feasible to calculate the cost, to pay it before the alteration commences.

7. An application for services that has been submitted by a customer and approved by the municipality shall constitute a written agreement between the municipality and the customer, and such agreement shall take effect on the date referred to or stipulated in the agreement.

8. The municipality must take reasonable steps to attempt to ensure that an illiterate person who wishes to complete an application form understand the document as well as the consequences of entering into the agreement, and must also advise him of the possibility of registering as an indigent customer.

9. The municipality, must, in addition to satisfying the requirements of subsection (8), assist an illiterate person in completing the application form.

10. Municipal services rendered to a customer are subject to the provisions of these by-laws, any other applicable by-laws and the conditions contained in the agreement.

11. The municipality may, subject to the provisions of any right to privacy and secrecy recognised by any law, undertake an investigation into the credit worthiness of customers,

and may impose specific additional conditions, which are neither contained in these by-laws nor in the prescribed form, on that customer.

12. If the municipality -
    a) refuses an application for the provision of municipal services or a specific service or level of service;

    b) is unable to render municipal services, or a specific service or level of service, by when the customer wants it; or
    c) is unable to render municipal services, a specific service, or a specific level of service;

    it must, within 7 (seven) days of refusing the application or of becoming aware of its inability, inform the customer about the refusal or its inability, and must furnish the reasons for its refusal or inability and, if it is able to do so, inform the customer of when the municipal services, or a specific service, will be resumed.

3. Special Agreements for Municipal Services

The municipality may enter into a special agreement for the provision of municipal services with an applicant -

a) within the area of supply, if the services applied for requires the imposition of conditions not contained in the prescribed form or these by-laws;
b) receiving subsidised services; and
c) if the premises to receive such services are situated outside the area of supply, and if the municipality having jurisdiction over the premises has no objection to such a special agreement, and it shall be incumbent on the customer to advise the municipality having jurisdiction of such a special agreement.

4. Change in Purpose for which Municipal Services are used

Where the purpose for, or extent to which, any municipal service is changed, the customer must promptly advise the municipality of the change and enter into a new agreement with the municipality.

5. Termination of Agreements for Municipal Services

1. A customer may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written notice to the municipality.

2. The municipality may terminate an agreement for municipal services by giving at least 21 (twenty-one) days written notice to a customer where
    a) municipal services were not utilised for a consecutive period of 2 (two) months and without an arrangement, to the satisfaction of the municipality, having been made for the continuation of the agreement; or
    b) premises by a customer have been vacated by the customer, who owns or has occupied them, and no arrangement for the continuation of the agreement has been made with the municipality.

3. A customer shall remain liable for all arrears and applicable charges that are payable for municipal services rendered prior to the termination of an agreement.

6. Property Developments

1. A property developer must, as soon as an infrastructure is able to render a municipal service or services to an area which is the subject of development, adequately and promptly inform the municipality, within a reasonable time, of the nature and extent of the service or services to be provided and of the measuring devices that will be used.

2. A property developer who fails to comply with the provisions of subsection (1) shall be liable for the payment of all the applicable charges that would have been payable by customers in respect of municipal services that have been used or consumed.

Part 2: Applicable Charges

7. Applicable Charges for Municipal Services

1. All applicable charges payable in respect of municipal services, (including but not limited to the payment of connection charges, fixed charges or any additional charges) must be set by the municipal council in accordance with -

   a) its Tariff policy;
   b) the by-laws; and
   c) any regulations made in terms of national or
   d) provincial legislation.

2. Applicable charges may vary for different categories of customers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas.

8. Availability Charges for Municipal Services

The municipal council may, in addition to the tariffs or charges prescribed for municipal services actually provided, levy a monthly fixed charge, an annual fixed charge or a single and final fixed charge where municipal services are available, irrespective of whether or not the services are, or are not, used.

9. Subsidised Services

1. A municipal council may implement subsidies, by public notice, to the extent to which it can afford to do so without detriment to the sustainability of municipal services that are being rendered by it within its area of jurisdiction, for what, in its opinion, is a basic level of service for a particular municipal service.

2. The municipal council may in implementing subsidies differentiate between types of domestic customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.

3. A public notice in terms of subsection (1) must contain at least the following details applicable to a
   specific subsidy:

   a) the domestic customers who will benefit from the subsidy;
   b) the type, level and quantity of a municipal service that will be subsidised;
   c) the area within which the subsidy will apply;
   d) the rate (indicating the level of subsidy);
   e) the method of implementing the subsidy; and
   f) any special terms and conditions that will apply to the subsidy.

4. If a domestic customer's consumption or use of a municipal service is -
   a) less than the portion of a service that has been subsidised, the unused portion will not accrue to the customer and will not entitle the customer to a payment or a rebate in respect of the unused portion; and
   b) in excess of the subsidised portion of the service, the customer will be obliged to pay for excess consumption at the applicable rate.

5. A subsidy implemented in terms of subsection (1) may at any time, after reasonable public notice, be withdrawn or altered in the sole discretion of the municipal council.

6. Commercial customers shall not qualify for subsidised services.

7. Subsidised services shall be funded from the portion of revenue that is raised nationally and allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised by means of rates, fees and charges for municipal services.

10. Recovery of Additional Costs

The municipality by-laws may in addition to any charge, tariff, levy or payment of any kind referred to in these by-laws, recover from the customer any costs incurred by it in implementing these by-laws, including but not limited to –

a) all legal costs, including attorney and client costs incurred in the recovery of arrears which shall be debited against the customer as arrears in his account; and
b) the costs incurred in demanding payment from the customer and for reminding the customer, by means of telephone, fax, e-mail, letter or otherwise that payment is due.

Part 3: Payment

11. Payment of Deposit

1. A municipal council may require a customer to pay a deposit that has been determined by it and may determine that different deposits be paid by different categories of customers, users of services and debtors as well as for different services and standards of service.

2. A deposit may not exceed 3 (three) times the monetary value (including rates and taxes derived from rendering the service) of any service for which a client has applied.

3. A service referred to in subsection (2) means a service that has been rendered to a customer's premises; and the monthly monetary value of a service is calculated by taking the total monetary value of the 3 (three) most recent months of service that have been rendered to him and dividing it by 3 (three).

4. The municipal council may specify acceptable forms of deposits, which may include:

   a) cash;
   b) electronic funds transferred (E.F.T.);
   c) bank guaranteed cheques; and
   d) bank guarantees.

5. A deposit determined by the Municipal Council must be paid by a customer when he applies for a municipal service and no service will be rendered until it has been paid.

6. If a customer is in arrears, the municipality may require the customer to -
   a) pay a deposit if that customer has not previously been required to pay a deposit, if the municipal council has determined a deposit; and
   b) pay an additional deposit where the deposit paid by that customer is less that the most recent deposit determined by the municipal council.

7. A deposit, or any part of a deposit, is neither a payment, nor a part payment, of an account but if an account is in arrear, the deposit will be used in payment, or part payment, of the arrears.

8. No interest shall be payable by the municipality on any deposit, or part of a deposit, held by it.

9. A deposit is refundable to the customer on settlement of all arrears on the termination of the agreement but if any arrears are still due, they will be deducted from it.

10. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 (twelve) months of the termination of the agreement.

12. Methods for Determining Amounts Due and Payable

1. A municipality must endeavour to meter all municipal services that are capable of being metered, if it has the financial and human resources, to do so and, also, to read all metered services on a regular basis, but if a service is not measured, a municipality may, determine what is due and payable by a customer for municipal services by calculating the shared consumption; or, if that is not possible, by means of an estimated consumption.

2. If a metered service is metered, it cannot be read because of financial and human resource constraints, or circumstances beyond the control of the municipality, and the customer is charged for an average consumption, the account following a reading of the metered consumption must state the difference between the actual consumption and the average consumption, and reflect the resultant credit or debit adjustment.

3. Where in the opinion of the municipality it is not reasonably possible or cost effective to meter all customer connections, or to read all metered customer connections, within a determined area, the municipal council may determine the amount due and payable by a customer for municipal services in the manner set out in subsection (1).

4. Where water supply services are provided by a communal water-services work, the amount that customers must pay for gaining access to, and utilizing, water from the communal water services work, will be based on the shared or estimated consumption of water supplied to that water services work.

5. The municipality must inform customers about the method used in determining what is due and payable in respect of municipal services in their consumption or supply zones.

13. Payment for Municipal Services Provided

1. A customer shall be responsible for the payment of all municipal services rendered to her from the commencement date of the agreement until her account has been paid in full and the municipality shall be entitled to recover all payments due to it.

2. If a customer uses a municipal service for a use other than that for which it is rendered by the municipality in terms of an agreement, and if it is charged at a lower than the usual applicable charge, the municipality may alter the amount to be charged and recover from the customer the difference between the altered charge and the amount that has been paid by the customer.

3. If amendments to the applicable charge become operative on a date between when measurements are made for rendering an account for the applicable charges -
   a) it shall be deemed that the same quantity of municipal services was provided for each period of twenty-four hours during the interval between the measurements; and
   b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

14. Full and Final Settlement of an Amount

Where an account is not settled in full, any lesser amount tendered to, and accepted by the municipality shall not be a full and final settlement of such an account despite the fact that the payment was tendered, in full and final settlement, unless the municipal manager or the

manager of the municipality's authorised agent, expressly accepts it in writing as being in full and final settlement of the account in question.

15. Responsibility for Amounts Due and Payable

1. Subject to subsection (2) and notwithstanding any other provision in these by-laws, an owner of premises shall be liable for the payment of any amount that is due and payable to the municipality by a customer for the preceding two years, if the municipality, after having taken reasonable steps to recover from a customer any amount due and payable by the customer could not do so; provided that the municipality may only recover it if the owner has signed the application form that was submitted by a consumer in accordance with section 2 and if she was informed by the municipality that the consumer was in arrears.

2. If, at the commencement of these by-laws or at any other time, municipal services are rendered and received by any person at the premises, and if no written agreement exists in respect of those services, the owner of the premises shall be deemed to have agreed to the provisions of subsection (1) until the customer enters into an agreement with the municipality in terms of section 2 and the application form for the services is signed by the owner.

16. Dishonoured Payments

1. Where any payment made to the municipality by negotiable instrument is later dishonoured by the bank, the municipality -
   a) may debit the customers account with the bank charges incurred in respect of dishonoured negotiable instruments;
   b) shall regard such an event as default on payment.

17. Incentive Schemes

1. The municipal council may institute incentive schemes to encourage prompt payment and to reward customers who pay their accounts regularly and on time.

18. Pay-points and Approved Agents

1. A customer must pay his account at pay-points specified by the municipality or by an approved agent of the municipality.

2. The municipality must inform a customer of the location of specified pay-points and about who is an approved agent for receiving the payment of accounts.

Part 4: Accounts

19. Accounts

1. Accounts must be rendered monthly to customers at the customers last recorded address.

2. Where in the opinion of the municipality it is not reasonably possible or cost effective to render accounts to consumers who consume only subsidised services, the municipal council may, notwithstanding subsection (1), decide not to render accounts to those consumers.

3. Failure by the customer to receive or accept an account does not relieve a customer of the obligation to pay any amount that may be due and payable.

4. The municipality must, if it is reasonably possible to do so, issue a duplicate account to a customer on request.

5. Accounts must be paid not later than the last date for payment specified in it.

6. Accounts for municipal services must -
   a) reflect at least the -
   i) services rendered;
   ii) consumption of metered services or the average, shared or estimated consumption;
   iii) period addressed in the account;
   iv) applicable charges;
   v) subsidies;
   vi) amount due (excluding the value added tax payable)
   vii) value added tax;
   viii) adjustment, if any, to metered consumption which has been previously estimated;
   ix) arrears;
   x) interest payable on any arrears;
   xi) final date for payment; and
   xii) methods, places and approved agents where payment may be made; and
   b) state that -
   i) the customer and the municipality may enter into an agreement at the municipal offices in terms of which the customer will be permitted to pay arrears in installments;
   ii) if no such agreement is entered into, the municipality will limit or disconnect the services, after sending a final demand notice in terms of sections 24 and 26 to the customer;
   iii) legal action may be instituted against any customer for the recovery of any amount more than 40 (forty) days in arrears;
   iv) a claim for arrears may be ceded to a debt collector for collection; and
   v) proof of registration, as an indigent customer, in terms of the municipality's indigent policy, which may form part of the municipality's credit control and debt collection policy, must be handed in at the offices of the municipality before the final date for payment.

20. Consolidated Debt

1. If an account is rendered for more than one municipal service provided, the amount due and payable by a customer constitutes a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order towards payment:
   a) of the current account;
   b) of arrears; and
   c) of interest.

2. A customer may not elect how an account is to be settled if it is either not paid in full or if there are arrears.

Part 5: Queries, Complaints and Appeals

21. Queries or Complaints in Respect of Account

1. A customer may lodge a query, complaint or objection relating to the accuracy of any amount stated to be due and payable by him for a specific municipal service in an account that has been rendered to him.

2. A query, complaint or objection must be lodged with the municipality in writing before the due date of payment of the account.

3. The municipality must assist an illiterate or similarly disadvantaged customer in lodging a query, complaint or objection and must take reasonable steps to ensure that it is reflected correctly in writing.

4. A query, complaint or objection must be accompanied by a payment calculated by taking the average consumption by the customer of the service and subtracting the amount that has been questioned, complained about or objected to.

5. The municipality must record the query, complaint or objection and provide the customer with a reference number to identify where it has been recorded.

6. The municipality -
   a) shall investigate or cause the query, compliant or objection to be investigated within 14 (fourteen) days after the query or compliant was registered; and
   b) must inform the customer, in writing, of its finding within 16 (sixteen) days after the query, complaint or objection was registered.

22. Appeals Against Findings of Municipality in Respect of Queries or Complaints

1. A customer may appeal in writing against a finding of the municipality in terms of section 21.

2. An appeal in terms of subsection (1) must be made in writing and lodged with the municipality manager within 21 (twenty-one) days after the customer became aware of the finding referred to in section 21 and must -
   a) set out the reasons for the appeal; and
   b) be accompanied by a deposit, as determined by the municipal council, if the municipality requires a deposit to be made.

3. The municipality may, on appeal by a customer instruct him, to pay the full amount appealed against.

4. The customer is liable for all other amounts, falling due and payable during the adjudication of the appeal.

5. An appeal must be decided by the municipality within 21 (twenty-one) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as is reasonably possible, afterwards.

6. If the municipality decides to reject the query, or complaint or objection, the customer must pay any amounts found to be due and payable in terms of the decision within 14 (fourteen) days of being informed of the outcome of the appeal.

7. The municipality may condone the late lodging of appeals or other procedural irregularities.

8. If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test as determined by the municipality, to establish its accuracy and the customer must be informed of the estimated cost of such a test prior to such test being undertaken.

9. If the outcome of any test shows that a measuring device is -
   a) within a prescribed range of accuracy, the customer will be liable for the costs of the test and any other amounts outstanding, and those costs will be debited in the customers account;
   b) is outside a prescribed range of accuracy, the municipality will be liable for the costs of such test and the customer must be informed of the amount of any credit to which he is entitled as a consequence of any inaccuracy.

10. A deposit referred to in subsection (2)(b), shall be-
   a) retained by the municipality if the measuring device is found not to be defective; or

b) refunded to the applicant to the extent that it exceeds the amount payable in respect of quantity determined in accordance with subsection 11(b), if the measuring device is found in terms of that subsection to be defective.

11. In addition to subsections (9) and (10) the municipality must if the measuring device is found defective -
    a) repair the measuring device or install another device in good working order, without charge to the customer, unless the cost of doing so is recoverable from the customer in terms of these or any other by-laws of the municipality; and
    b) determine the quantity of municipal services for which the customer will be charged in lieu of the quantity measured by the defective measuring device by taking as a basis for such determination, and as the municipality may decide -
        i) the quantity representing the average monthly consumption of the customer during the three months preceding the month in respect of which the measurement is disputed and adjusting that quantity in accordance with the degree of error found in the reading of the defective meter or measuring device;
        ii) the average consumption of the customer during the succeeding three metered periods after the defective meter or measuring device has been repaired or replaced; or
        iii) the consumption of services on the premises recorded for the corresponding period in the previous year.

Part 6: Arrears

23. Consolidated Arrears

1. If one account is rendered for more than one municipal service provided, all arrears due and payable by a customer constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will be allocated in reduction of the consolidated debt in the following order:
    a) towards payment of the current account;
    b) towards payment of arrears;
    c) towards payment of interest; and
    d) towards costs incurred in taking relevant action to collect amounts due and payable.

24. Arrears

1. If a customer fails to pay the account on or before the due date, a final demand notice may be hand delivered or sent by registered post to the most recent recorded address of the customer within 2 (two) working days of the arrears having accrued.

2. Failure to deliver or to send a final demand notice within 2 (two) working days does not relieve a customer from paying arrears.

25. Interest

1. Interest may be levied on arrears.

2. The municipal council may differentiate between types of domestic customers, types and levels of services, quantities of services, geographical areas and socio-economic areas in levying interest on arrears.

26. Final Demand Notice

1. The final demand notice must contain the following statements:
    a) the amount in arrears and any interest payable;
    b) that the customer may conclude an agreement with the municipality for payment of the arrears in installments within 7 (seven) working days of the date of the final demand notice;

c) that if no such agreement is entered into within the stated period that specified municipal services will be limited or disconnected in accordance with section 27;
d) that legal action may be instituted against any customer for the recovery of any amount 40 (forty) days in arrears;
e) that the account may be handed over to a debt collector for collection; and
f) that proof of registration, as an indigent customer, in terms of these by-laws must be handed in at the offices of the municipality before the final date of the final demand notice.

2. The municipality must, subject to section 27, in deciding whether a municipal service is to be specified for limitation or disconnection in terms of subsection (1)(c) consider -
a) what potential socio-economic and health implications the limitation or disconnection may have on the customer; and
b) a domestic customers right of access to basic municipal services as identified in the municipal councils credit control and debt collection policy.

27. Limitation or Disconnection of Municipal Services

1. The municipality may, immediately on the expiry of the 7 (seven) working day period allowed for payment in terms of the final demand notice limit or disconnect the municipal services specified in subsection 26(1)(c) provided that a domestic customers access to basic water supply services and sanitation services may not be disconnected.

2. The municipality may only limit a domestic customers access to basic water supply services by -
a) reducing water pressure; or
b) limiting the availability of water to a specified period or periods during a day; or
c) disconnecting in-house and yard connections and making an alternative water supply services available to the domestic consumer, which alternative service may consist of a basic water supply service as prescribed by the Minister of Water Affairs and Forestry in terms of the Water Services Act (Act No 108 of 1997).

3. The costs associated with the limitation or disconnection of municipal services shall be at the cost of the customer and shall be included in the arrears amount due and payable by the customer.

28. Accounts 40 (Forty) Days in Arrears

1. Where an account rendered to a customer remains outstanding for more than 40 (forty) days the municipality may -
a) institute legal action against a customer for the recovery of the arrears; or
b) cede the customers account to a debt collector for collection.

2. A customer will be liable for recoverable administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the municipal council from time to time.

29. General

1. No action taken in terms of this section because of non-payment will be suspended or withdrawn, unless the arrears, any interest, recoverable administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable have been paid in full.

2. The municipality will not be liable for any loss or damage suffered by a customer owing to municipal services having been limited or disconnected.

Part 7: Agreement for the Payment of Arrears in Installments

30. Agreements

1. The following agreements for the payment of arrears in installments may be entered into:
   a) an acknowledgement of debt;
   b) a consent to judgment; or
   c) an emolument attachment order.

2. Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, or, if a consumer is illiterate, a person authorised by a consumer personally in the presence of an officer appointed by the authority for that purpose, will be allowed to enter into an agreement for the payment of arrears in installments.

3. No customer will be allowed to enter into an agreement for the payment of arrears in installments where that customer failed to honour a previous agreement for the payment of arrears in installments, unless the municipality, in its sole discretion, permits the customer to do so.

4. A copy of the agreement must be made available to the customer.

5. An agreement for the payment of arrears in installments must not be entered into unless and until a customer has paid his current account.

31. Additional Costs, Partial Settlement and Installments

1. The costs associated with entering into agreements for the payment of arrears in installments and the limitation or disconnection of municipal services in accordance with section 27 shall be included in the arrears amount due and payable by the customer.

2. The municipality must, in determining the amount payable by the customer on entering into an agreement for the payment of arrears in installments and the installments payable in respect of any arrear amounts take the following factors into account:
   a) the credit record of the customer;
   b) the amount in arrear;
   c) the level of consumption of municipal services;
   d) the level of service provided to the customer;
   e) previous breaches of agreements (if there be any) for the payment of arrears in installments; and
   f) any other relevant factors.

3. If a customer on entering into an agreement for the payment of arrears in installments, proves to the municipality that he is unable to pay the amount referred to in section 30(5) the municipality may, after taking into account the factors referred to in subsection (2) –
   a) extend its payment to the end of the month in which the customer enters into the agreement; or
   b) include it in the amount payable in terms of the agreement.

4. The municipality may, after taking into account the factors referred to in subsection (2), require a customer to pay an additional amount on entering into an agreement for the payment of arrears, in addition to the current account, representing a percentage of the arrears amount in arrear.

5. The municipality may, when a customer enters into an agreement or any time afterwards -
   a) install a pre-payment meter; or
   b) limit the municipal services to basic municipal services.

32. Duration of Agreements

1. No agreement for the payment of arrears accumulated after 1 January 2003 shall provide for the payment of arrears over a period in excess of 24 (twenty-four) months.

2. The municipality may, in deciding on the duration of the agreement for the payment of arrears have regard to -
   a) the credit record of the customer;
   b) the amount in arrears;
   c) the gross and net income of the customer;
   d) the level of consumption of municipal services;
   e) the level of service provided to the customer;
   f) previous breaches of agreements for the payment of arrears in installments; and
   g) any other relevant factor.

33. Failure to Honour Agreements

1. If a customer fails to comply with an agreement for the payment of arrears in installments, the total of all outstanding amounts, including arrears, any interest, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable without further notice or correspondence and the municipality may -
   a) limit or disconnect the municipal services specified in the final demand notice sent to the customer in accordance with section 26;
   b) institute legal action for the recovery of the arrears; and
   c) hand the customers account over to a debt collector or an attorney for collection.

34. Re-connection of Services

1. An agreement for payment of the arrears amount in installments, entered into after municipal services were limited or disconnected, will not result in the services being restored until –
   a) the current account, the first installment payable in terms of the agreement for payment of the arrears in installments and all recoverable administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full; or
   b) a written appeal by the customer, on the grounds of having made timeous and full payment of installments and current amounts due and payable for a period of at least 6 (six) months has been approved by the municipality.

2. In addition to any payments referred to in subsection (1), the customer must pay the standard re-connection fee, as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality.

3. Municipal services shall be restored within 7 (seven) working days after a customer has complied with the provisions of subsections (1) and (2).

CHAPTER 3: ASSESSMENT RATES

35. Amount Due for Assessment Rates

1. The provisions of Chapter 2 apply to the recovery of assessment rates and assessment rates form part of a consolidated account and consolidated debt.

2. All assessment rates due by owners are payable by a fixed date as determined by the municipality.

3. Joint owners of property shall be jointly and separately liable for the payment of assessment rates.

4. Assessment rates may be levied as an annual single amount, or in equal monthly installments; and when levied in equal monthly installments, the amount payable may be included in the municipal account.

5. A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that
   a) the property is not occupied by the owner thereof; or
   b) the municipal account is in the name of a person other than the owner of the property.

6. Payment of assessment rates may not be deferred beyond the fixed date because of an objection to the valuation reflected in the valuation roll.

36. Claim on Rental for Assessment Rates in Arrears

The municipality may apply to court for the attachment of any rent, due in respect of rateable property, to cover, in part or in full, any amount outstanding in respect of assessment rates for a period longer than three months after a date that has been fixed in terms of section 35(2).

37. Disposal of Municipality's Property and Payment of Assessment Rates

1. The purchaser of municipal property is pro rata liable for the payment of assessment rates on the property for the financial year in which he becomes the new owner, from the date of registration of the property in the name of the purchaser.

2. In the event of the municipality repossessing the property, any amount outstanding and due in respect of assessment rates shall be recoverable from the purchaser.

38. Assessment Rates Payable on Municipal Property

1. For the purpose of liability for assessment rates, the lessee of municipal property will be deemed to be the owner of the property for the duration of the lease.

2. The assessment rates payable by a lessee, despite being a payment in addition to rent, may be deemed to be rent and may be included in a claim for rent as if were rent.

CHAPTER 4: PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS

39. Qualification for Registration

1. A domestic customer, with a household where the gross monthly income of all of its members of 18 years old or over, is less than an amount determined by the municipal council from time to time, who -
   a) does not own more than one property, and who
   b) does not have any income from letting a property or part of a property,

   qualifies as an indigent person and, if he applies for registration, may, subject to the provisions of section 42 and 43 of these by-laws, be registered as being indigent.

40. Application for Registration

1. A domestic customer wishing to qualify as an indigent customer must complete the application form entitled Application for Registration as Indigent Customer attached as Annexure B to these by-laws.

2. Any application in terms of subsection (1) must be accompanied by -
   a) documentary evidence of his income, such as a letter from an employer, a salary advice slip, a pension card, unemployment insurance fund card; or
   b) an affidavit declaring that he is unemployed and stating any income that he may have despite being unemployed; and
   c) the customer's latest municipal account, if there be one, and if it is in his possession; and
   d) a certified copy of the customer's identity document; and
   e) the names and identity numbers of all occupants over the age of 18 years who are resident at the property.

3. A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.

4. The municipality shall counter-sign the application form and certify on the application form that its content and the consequences for the customer of its being approved, were explained to him and that he indicated that he understood the explanation.

41. Approval of Application

1. The municipality may send representatives to premises or to persons applying for registration as indigent customers to investigate whether the information provided prior to approval of an application is correct; and the provisions of section 61 apply to such an investigation.

2. An application received in accordance with section 40 shall be considered by the municipality and the applicant must be advised in writing within 14 (fourteen) working days of receipt of the application by the municipality, whether or not the approval has been given, and if it is not approved, the applicant must be given reasons for the refusal.

3. The provisions of Part 5 of Chapter 2 shall, with the necessary alterations, apply in respect of a customer who feels aggrieved by a decision of the municipality in terms of subsection (2).

4. An application shall be approved only for the period of the municipality's financial year and application that has been approved during the municipality's financial year shall be valid only for the remaining period of the municipality's financial year.

42. Conditions

1. The municipality may on approval of an application or at any time afterwards -
   a) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality; and
   b) limit the water supply services of an indigent customer to basic water supply services.

43. Annual Application

1. An indigent customer must annually, before the end of the municipality's financial year, re-apply for re-registration as an indigent customer for the forthcoming financial year, failing which the assistance will cease automatically.

2. The provisions of sections 39 and 40 shall apply to any application in terms of subsection (1).

3. An indigent customer shall have no expectation of being regarded as an indigent customer in any year that ensues or follows a year in which he or she was so registered and the municipality gives no guarantee on grounds for the expectation of a renewal.

4. The municipality shall inform the applicant in writing, within 14 (fourteen) working days of the receipt of the application by the municipality, whether or not the application has or has not been approved, and if it has not been approved, the applicant must be given the reasons why it has not been approved.

5. The provisions of Part 5 of Chapter 2 shall, with the necessary alterations, apply in respect of a customer who feels aggrieved by a decision of the municipality in terms of subsection (4).

44. Subsidised Services for Indigent Customers

1. The municipal council may annually as part of its budgetary process, determine the municipal services and levels of municipal services that will be subsidised in respect of indigent customers subject to principles of sustainability and affordability.

2. The municipality must on a determination in terms of subsection (1) give public notice of the determination.

3. Public notice in terms of subsection (2) must contain at least the following:
   a) the level or quantity of municipal service that will be subsidised;
   b) the level of subsidy;
   c) the method of calculating the subsidy; and
   d) any special terms and conditions that will apply to the subsidy, not provided for in these by-laws.

4. An indigent consumer shall be liable for the payment of any municipal services rendered by the municipality or municipal services used or consumed in excess of the levels or quantities determined in subsection (1).

5. The provisions of Chapter 2 shall, with all necessary changes, apply to the amounts due and payable in terms of subsection (4).

45. Funding for Subsidised Services

The subsidised services referred to in section 44 shall be funded from the portion of revenue raised nationally that is allocated to the municipality and if that funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

46. Existing Arrears of Indigent Customers on Approval of Application

1. Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended for the period that a customer remains registered as an indigent customer, and interest shall not accumulate in respect of arrears during such a suspension.

2. Arrears suspended in terms of subsection (1) shall become due and shall be paid by a customer in monthly installments, to be determined by the municipality, on de-registration as an indigent customer in accordance with section 48 and interest will be payable on arrears.

3. Notwithstanding the provisions of subsection (2) arrears that have been suspended for a period of two (2) years or longer shall not, subject to the provisions of subsection (4), be recovered from a customer on de-registration.

4. Arrears not recovered due to the provisions of subsection (2) shall remain a charge against the property of the indigent customer for a period of 5 (five) years after the customer was first registered as an indigent customer and shall become due and payable when the property is sold, irrespective of the fact that the customer may no longer be registered as an indigent customer at the time that the property is sold. A clearance certificate in respect of the property shall only be issued by the municipality when such arrears have been settled in full.

47. Audits

1. The municipality may, subject to the provisions of any right to privacy and secrecy recognised by any law, undertake regular random audits to –
   a) verify the information provided by indigent customers;
   b) record any changes in the circumstances of indigent customers; and
   c) make recommendations on the de-registration of the indigent customer.

48. De-Registration

1. An indigent customer must immediately request de-registration by the municipality if his or her circumstances has changed to the extent that he or she no longer meet the qualifications set out in section 39.

2. An indigent customer shall automatically be de-registered if an application in accordance with section 43 is not made or if such application is not approved.

3. An indigent customer may at any time request de-registration.

4. A municipality may de-register an indigent customer if -
   a) an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in section 39; or
   b) the municipality reasonably suspects that a customer intentionally or negligently has provided false information in the application form or any other documentation and information in connection with the application.

5. Prior to deregistering an indigent customer, a de-registration notice must be hand delivered or sent by registered post, to the most recent recorded address of the customer.

6. The deregistration notice must contain the following statements:
   a) that the municipality is considering de-registering the indigent consumer and the reasons therefore;
   b) that the customer must within 7 (seven) working days of the date of the deregistration notice make representations to the municipality as to why he should not be de-registered;

c) that if no such representations are made within the stated period that he will be deregistered as an indigent consumer; and
d) that on deregistration payment for all services received by the customer as an indigent customer may be recovered if de-registration is considered on the grounds of providing false information or failure to comply with subsection (1).

7. The municipality may, immediately on the expiry of the 7 (seven) working day period allowed for making representations de-register the indigent customer.

8. Where an indigent customer is de-registered on the grounds of providing false information the municipality may recover payment for all services received by the customer as an indigent customer from the customer, in addition to any other legal actions the municipality may take against such a customer.

9. If the indigent customer makes representations to the municipality within the specified period the municipality must notify the customer in writing within 7 (seven) working days after the representations of its decision to deregister the customer or not.

10. The provisions of Part 5 of Chapter 2 shall mutatis mutandis apply in respect of a customer feeling aggrieved by de-registration in terms of subsection (4).

CHAPTER 5: EMERGENCY SITUATIONS

49. Declaration of Emergency Situations

1. The municipal council may at any time at the request of the municipality declare by public notice, that an emergency situation exists in a supply zone in respect of a municipal service, or more than one municipal service, if, in its opinion, a significant risk to the financial viability or sustainability of the municipality, or the sustainable rendering of a specific municipal service to the community exists and that no other reasonable measures may be taken to avoid or limit the risk, but may only do so if the municipality has submitted a report that contains at least -
   a) details of all measures taken by it to avoid or limit the risk;
   b) an assessment of why any measure taken by it to avoid or limit the risk has been unsuccessful;
   c) details of the proposed measures to be taken by it to avoid or limit the risk;
   d) an assessment of the impact or potential impact of the proposed measures on individual customers within the relevant supply zone, including, but not limited to, health and access to basic services;
   e) details of the educational and communication measures to be, or that have been, taken prior to the implementation of the proposed measures;
   f) the duration of the proposed measures to be taken; and
   g) details of the reasonable measures to be taken to ensure equitable access by each household in the supply zone to that municipal service.

2. Public notice in terms of subsection (1) must contain at least the following details applicable to a specific emergency situation:
   a) the reasons for the declaration;
   b) the customers who, and supply zone that, will be affected by the declaration;
   c) the type, level and quantity of municipal service that will be provided;
   d) the duration of the declaration;
   e) the method of implementing the declaration;
   f) specific measures or precautions to be taken by affected customers; and
   g) special relief that may be granted to individual consumers on application to the municipality.

3. In the event of the declaration of a supply zone as an emergency area in accordance with subsections (1) and (2) the municipal services to that supply zone may be limited to basic municipal services for a household as determined by the municipality from time to time, provided that at no time may the municipal services provided by the municipality to that supply zone be less than the collective quantity and quality of basic municipal services as determined by the municipal council per households in that supply zone.

4. The municipality must submit a monthly status report to the municipal council that contains at east the following details:
   a) any improvement in the conditions that were reflected in the information on which the declaration was based;
   b) the impact of the proposed measures on individual customers within the relevant supply zone, including, but not limited to, health and access to basic services implications; and
   c) special relief granted to individual customers.

5. The municipal council must by public notice declare an area no longer to be an emergency area -
   a) if any of the information on which the declaration was based, improves to such an extent that the avoidance or limitation of the risk referred to in subsection (1) no longer warranted its being declared an emergency area;
   b) if, in its opinion, undue hardship has been suffered by customers affected by the declaration; and

c) on the expiry of the period specified in terms of subsection (1) and (2).

6. The municipality may request the municipal council to declare a supply zone an emergency area after the ending of a declaration in terms of subsection (3), if in the municipality's opinion a new declaration is required.

7. The provisions of subsections (1) to (4) apply to a request in terms of subsection (6).

CHAPTER 6: UNAUTHORISED SERVICES

50. Unauthorised Services

1. No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.

2. The municipality may, irrespective of any other action it may take against a person in terms of these by-laws, by written notice order a person who is using unauthorised services to -
   a) apply for such services in terms of sections 1 and 2; and
   b) undertake any work that may be necessary to ensure that the customer installation, by means of which access was gained, complies with the provisions of these or any other relevant by-laws or if it is of the opinion that the situation is a matter of urgency, and may, without prior notice, prevent or rectify the non-compliance and recover the cost from him.

3. A person who gains access to municipal services in a manner other than in terms of an agreement entered into with the municipality for the rendering of those services shall be liable to pay for any services that he may have utilised or consumed in breach of these by-laws, notwithstanding any other actions that may be taken against such a person. Consumption and use will be estimated on the basis of the average consumption of services to the specific area within which the unauthorised connection was made.

51. Interference with Infrastructure for the Provision of Municipal Services

1. No person other than the municipality shall manage, operate or maintain infrastructure through which municipal services are provided.

2. No person other than the municipality shall effect a connection to infrastructure through which municipal services are provided.

3. No person shall intentionally or negligently damage, change or in any way interfere with infrastructure through which the municipality provides municipal services unless there is a lawful justification for intentionally doing so.

4. If a person contravenes subsection (1), the municipality may -
   a) by written notice require a person to cease or rectify the damage, change or interference at his own expense within a specified period; or
   b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the change, damage or interference and recover the cost of doing so from him.

52. Obstruction of Access to Infrastructure for the Provision of Municipal Services

1. No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.

2. If a person contravenes subsection (1), the municipality may -
   a) by written notice require such person to restore access at his own expense within a specified period; or
   b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost of doing so from him.

53. Illegal Re-Connection

1. A customer whose access to municipal services have been restricted or disconnected, who, except as provided for in these by-laws, restores or reconnects to those services or who intentionally or negligently interferes with infrastructure through which municipal services are provided, shall be disconnected, after he has been given reasonable written notice.

2. A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable to pay for any services that he may have utilised or consumed in breach of these by-laws, notwithstanding any other action that may be taken against him.

3. Consumption will be estimated on the basis of the average consumption of services to the specific area within which the illegal re-connection was made.

CHAPTER 7: OFFENCES

54. Offences

1. Subject to subsection (2), any person, who -
   a) contravenes or fails to comply with any provisions of these by-laws other than a provision relating to payment for municipal services;
   b) fails to comply with any notice issued in terms of these by-laws;
   c) fails to comply with any lawful instruction given in terms of these by-laws, or
   d) who obstructs or hinders any authorised official or employee of the municipality in the execution of his duties under these by-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R800, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

2. No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

3. Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 8: DOCUMENTATION

55. Signing of Notices and Documents

A notice or document that is required to be issued by the municipality in terms of these by-laws and which purports to be signed by an employee of the municipality shall, subject to section 3 of the Law of Evidence Act, 1988 (Act No 45 of 1988), on its mere production, constitute prima facie evidence of its having been duly issued.

56. Notices and Documents

1. Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act (Act No 51 of 1977), be served personally, failing which it may be served -
   a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
   b) 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 either personally or in the manner provided by paragraphs (a), (c) or (d); or
   c) if that person's address and the identity or the address of his agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
   d) if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing to the addressee's last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

2. When any notice or other document must be authorised or 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.

3. Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

4. Where compliance with a notice is required within a specified number of working days, that period shall commence on the date of service as defined in subsection (1).

57. Authentication of Documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager, or by a person duly authorised to do so on behalf of the municipality; by resolution of the municipality, written agreement, or by a by-law.

58. Prima Facie Evidence

In legal proceedings by, or on behalf of the municipality, a certificate reflecting an amount purporting to be due and payable to the municipality, which is signed by the municipal manager, or by a suitably qualified employee of the municipality authorised by the municipal manager to sign or the manager of the municipality's authorised agent, shall, subject to section 3 of the Law of Evidence Amendment Act (Act No 45 of 1988), upon its mere production constitute prima facie evidence of the indebtedness.

CHAPTER 9: GENERAL PROVISIONS

59. Provision of Information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

60. Power of Entry and Inspection

1. The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so, where appropriate.

2. Any entry and inspection must be conducted in conformity with the requirements of the Constitution of Republic of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a persons dignity, freedom and security, and personal privacy.

3. The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

4. A person representing the municipality must, on request, provide his or her identification.

61. Exemption

1. The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of these by-laws that may result in -
   a) the wastage or excessive consumption of municipal services;
   b) the evasion or avoidance of water restrictions;
   c) significant negative effects on public health, safety or the environment;
   d) the non-payment for services;
   e) the Act, or any regulations made in terms thereof, is not complied with.

2. The municipality may at any time after giving written notice of at least thirty days withdraw any exemption given in terms of subsection (1).

62. Indemnification from Liability

Neither an employee of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality are liable for any damage arising from any omission or act done in good faith in the course of his or its duties.

63. Availability of By-Laws

1. A copy of these by-laws shall be included in the municipality's Municipal Code as required by legislation.

2. The municipality shall take reasonable steps to inform customers of the contents of the by-laws.

3. A copy of these by-laws shall be available for inspection at the offices of the municipality at all reasonable times.

4. A copy of the by-laws or an extract thereof may be obtained from the municipality against payment of an amount as determined by the municipal council.

64. Conflict of Interpretation

1. If there is any conflict between these by-laws and any other by-laws of the council, these by-laws will prevail.

65. Repeal of Existing Municipal Credit Control and Debt Collection By-Laws

The provisions of any by-laws relating to water services by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

66. Short Title and Commencement

1. These by-laws are called the Debt Collection and Credit Control By-Laws of the Municipality.

2. These by-laws will commence on publication thereof in the Provincial Gazette.

3. The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

4. Until any notice contemplated in subsection (2) is issued, these by-laws are binding within the whole jurisdiction.

ANNEXURE A: APPLICATION FOR MUNICIPAL SERVICES

Type of Application							
Domestic		Commercial/Industrial		Institutional			
Type of Customer							
Individual		CC		Partner		Pty (Ltd)		Lessee		Owner	
Particulars of Applicant							
Name of corporate entity							
Registration number of corporate entity							
Surname				Initials			
ID Number							
Marital Status							
If married - in / out of community of property							
Occupation							
Tel. No							
Cell No							
E-mail address							
Details of spouse where married in community of property							
Surname				Initials			
ID Number							
Occupation							
Tel. No							
Cell No							
E-mail address							
Address of Applicant (for purposes of account delivery and physical address for the delivery of notices and documents)							
Physical Address				Postal Address			
Next of Kin							
1. Name				Tel No.			
Address							
2. Name				Tel No.			
Address							
Employer's Details							
Name				Tel. No.			
Physical Address				Period in Service			
				Employee Registration No.			
Credit References							
1. Name of Company				Account No.			
Address				Tel. No			
2. Name of Company				Account No.			
Address				Tel. No			
Particulars of Owner (if not Applicant)							

Name of corporate entity			
Registration number of corporate entity			
Surname		Initials	
ID Number			
Occupation			
Tel. No			
Cell No			
Physical Address		Postal Address	
Property to which municipal services must be provided			
Suburb			
Zone			
Stand No.			
Street name			
Street number			
Number of persons over the age of 18 years living on the property			
Type of municipal services to be provided			
Water Supply Services	Communal Standpipe		
	Yard Connection		
	In-house connection		
Sanitation Services	Night Soil Removal		
	Water borne sewerage		
	VIP		
	UDS		
Electricity Services	Pre-paid		
	Other		
Refuse removal Services			
Date on which provision of services should commence			
Payment Details			
Cash (including cheque & credit card)			
Debit Order			
Stop Order			
Other method of electronic transfer			
Bank Details	Branch		
	Account No		

A CERTIFIED COPY OF THE APPLICANT'S IDENTITY DOCUMENT / POWER OF ATTORNEY, A COPY OF A PREVIOUS MUNICIPAL ACCOUNT WITH THE MUNICIPALITY OR ANOTHER MUNICIPALITY AND A SURETY, IF THE APPLICANT IS A CORPORATE ENTITY, MUST BE ATTACHED TO THE APPLICATION

I / We hereby

a) Apply for the provision of municipal services to be provided to the above property;
b) Declare that I / we was informed that the documents referred to in (b) are available for inspection at the offices of the municipality during office hours;
c) Declare that this application form and the implications thereof was explained to me / us;
d) Declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and
e) Declare that the information provided in this application form is true and correct.

Applicant		Municipality	
Date		Date	
Signature of Owner (if not applicant)		Date	
CERTIFICATION BY MUNICIPALITY			
The consequences of the above declaration made by the applicant were explained to him/her/it and he/she/it indicated that the contents of the application were understood.			
Municipality		Date	
FOR OFFICE USE ONLY			
Deposit Paid	Date		
	Amount		
	Receipt Number		
Account Number			
Commencement Date of Services			
Area Code			
Mete Reading on Commencement of Services	Water		
	Electricity		

NOTE: A SUMMARY OF THE PAYMENT OBLIGATIONS OF A CONSUMER MAY BE INCLUDED ON THE BACK OF THE APPLICATION FORM

ANNEXURE B: APPLICATION FOR REGISTRATION AS INDIGENT CUSTOMER

Note: An application for Municipal Services must be completed or updated on submission of this application.

Particulars of Applicant			
Surname		Initials	
ID Number			
Marital Status			
If married – in / out of community of property			
Occupation			
Tel. No.			
Cell No.			
Physical Address of Applicant			
Postal Address of Applicant			
No. of properties owned by applicant and all members of the household			
Details of properties, if applicable			
Property 1	Physical Address		
	Name of owner		
	Name of bondholder		
	Account Number		
	Deed Registration Number		
	Type of Structure		
Property 2	Physical Address		
	Name of owner		
	Name of bondholder		
	Account Number		
	Deed Registration Number		
	Type of Structure		
Is property / properties or a portion thereof leased to a third person		Yes / No	
If leased – rent received			
Number of members in household			
Combined gross income of all members of the household per month			
Details of all members of the household over the age of 18 years resident at the property			
1. Surname		2. Surname	
Full name		Full name	
ID No.		ID No.	
Employed Yes/No		Employed Yes/No	
Salary, including benefits, if relevant		Salary, including benefits, if relevant	
3. Surname		4. Surname	
Full name		Full name	
ID No.		ID No.	
Employed Yes/No		Employed Yes/No	

Salary, including benefits, if relevant		Salary, including benefits, if relevant	
5. Surname		6. Surname	
Full name		Full name	
ID No.		ID No.	
Employed Yes/No		Employed Yes/No	
Salary, including benefits, if relevant		Salary, including benefits, if relevant	
7. Surname		8. Surname	
Full name		Full name	
ID No.		ID No.	
Employed Yes/No		Employed Yes/No	
Salary, including benefits, if relevant		Salary, including benefits, if relevant	
Details of any other income received by household (Such as old age pension, disability pension, welfare etc.)			
1. Type of income		2. Type of income	
Institution		Institution	
Amount		Amount	
Reference No.		Reference No.	
3. Type of income		4. Type of income	
Institution		Institution	
Amount		Amount	
Reference No.		Reference No.	
5. Type of income		6. Type of income	
Institution		Institution	
Amount		Amount	
Reference No.		Reference No.	
Details of monthly expenses of household			
1. Groceries		2. School fees	
3. Clothes		4.	
5.		6.	
7.		8.	
Details of current debts of the household (including insurance policies and credit purchases)			
1. Institution		2. Institution	
Account No.		Account No.	
Amount owing		Amount owing	
3. Institution		4. Institution	
Account No.		Account No.	
Amount owing		Amount owing	
5. Institution		6. Institution	
Account No.		Account No.	
Amount owing		Amount owing	
Details in respect of legal or other actions taken against me in respect of current expenses / debts of the household: (Administration orders, sequestration, other court orders, listed with a Credit Agency etc.)			
1. Institution		2. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	
3. Institution		4. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	

5. Institution		6. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	
7. Institution		8. Institution	
Type of action		Type of action	
Case number		Case number	
Amount owing		Amount owing	

The following documents must be attached

1. Documentary proof of income (such as a letter from the customers employer, a salary advice, a pension card, unemployment insurance fund card, etc.); or
2. An affidavit declaring unemployment or income; and
3. Latest municipal account in the possession of customer; and
4. A certified copy of the applicants identity document.

A. I hereby

1. Apply for registration as an indigent customer for a period of one year;
2. Accept the conditions applicable to this application as set out the municipalitys policy, by-laws and the Conditions of Supply of any service provider of the municipality;
3. Declare that I was informed that the documents referred to (2) are available for inspection at the offices of the municipality during office hours;
4. Declare that this application form and the implications thereof was explained to me;
5. Declare that all payments due and payable by me in pursuance of this application shall promptly be paid by me on the due date; and
6. Declare that the information provided in this application form is true and correct.

B. I further declare and accept that the following specific conditions shall apply to this application

1. The municipality may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application or any time thereafter.
2. An application shall be approved for a period of 12 (twelve) months only.
3. The municipality may on approval of an application or any time thereafter -

install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality agent; and

limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliters per month.

4. An indigent customer must annually re-apply for registration as an indigent customer, failing which the assistance will cease automatically.
5. The municipality gives no guarantee of renewal.
6. The municipal council may annually as part of its budgetary process determine the municipal services and levels thereof that will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
7. Any other municipal services rendered by the municipality or municipal services consumed in excess of the quantities specified in 6 above shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption. Normal credit control procedures shall apply in respect of such excess consumption.
8. Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be suspended, without interest accumulating in respect of such arrears, for the period that a customer remains registered as an indigent customer.
9. Suspended arrears shall become due and payable by the customer in monthly instalments as determined by the municipality, on de-registration.
10. Arrears suspended for a period of two (2) years or longer shall not be recovered from a customer on de-registration.

11. The municipality may undertake regular random audits to -
    11.1 verify the information provided by indigent customers;
    11.2 record any changes in the circumstances of indigent customers; and
    11.3 make recommendations on the de-registration of the indigent customer.

12. Any customer who provides or provided false information in the application form and / or any other documentation and information in connection with the application -
    12.1 shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality became aware that such information is false; and
    12.2 shall be held liable for the payment of all services received in addition to any other legal actions the municipality may take against such a customer.
13. An indigent customer must immediately request de-registration by the municipality if his or her circumstances has changed to the extent that he or she no longer meets the qualifications set out in the by-laws.
14. An indigent customer shall automatically be de-registered if an annual application is not made or if such application is not approved.
15. An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he or she no longer meet the qualifications set out in the by-laws.
16. An indigent customer may at any time request de-registration.

Applicant	Municipality
Date	Date

CERTIFICATION BY MUNICIPALITY

The consequences of the above declaration made by the applicant were explained to him/her and he/she indicated that the contents of the APPLICATION were understood.

Applicant	Municipality
Date	Date

FOR OFFICE USE ONLY

Account Number	
Date of receipt of application	
First Verification	
Date	
Site Visit (Yes / No)	
Name of verifier	
Designation of verifier	
Indicate information not verified	
Recommendation	
APPLICATION APPROVED / NOT APPROVED	
Second Verification	
Date	
Site Visit (Yes / No)	
Name of verifier	
Designation of verifier	

WATER SERVICES BY-LAWS

CHAPTER 1: DEFINITIONS

67. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act (Act No. 108 of 1996), the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act (Act No 103 of 1977) shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders –

"accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

"account" means an account rendered for municipal services provided;

"Act" means the Water Services Act (Act No 108 of 1997), as amended from time to time;

"agreement" means the contractual relationship between the municipality and a customer, whether written or deemed as provided for in the municipality's by-laws relating to credit control and debt collection;

"approved" means approved by the municipality in writing;

"area of supply" means any area within or partly within the area of jurisdiction of the municipality to which a water service is provided;

"authorised agent" means –

a) any person authorised by the municipality to perform any act, function or duty in terms of, or to exercise any power under, these by-laws;
b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing water supply services; or
c) any person appointed by the municipality in a written contract as a service provider for the provision of water services to customers on its behalf, to the extent authorised in such contract;

"average consumption" means the average consumption of a customer of a municipal service during a specific period, and is calculated by dividing the total measured consumption of that municipal service by that customer over the preceding three months by three;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

"borehole" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards (Act No 103 of 1977) as amended;

"charges" means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

"combined installation" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"commercial customer" means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

"connecting sewer" means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

"connection" means the point at which a customer gains access to water services;

"connection pipe" means a pipe, the ownership of which is vested in the municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a communication pipe referred to in SANS 0252 Part I;

"conservancy tank" means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

"customer" means a person with whom the municipality has concluded an agreement for the provision a municipal service as provided for in the municipality's by-laws relating to credit control and debt collection;

"determined" means determined by the municipality or by any person who makes a determination in terms of these laws;

"domestic consumer" means a customer using water for domestic purposes;

"domestic purposes" in relation to the supply of water means water supplied for drinking, ablution and culinary purposes to premises used predominantly for residential purposes;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage installation" means a system situated on any premises and vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"dwelling unit" means an interconnected suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

"effluent" means any liquid whether or not containing matter in solution or suspension;

"engineer" means the engineer of the municipality, or any other person authorised to act on his behalf;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the cost of all measures necessary to restore the environment to its condition prior to an incident resulting in damage;

"estimated consumption" means the consumption that a customer, whose consumption is not measured during a specific period, is deemed to have consumed, that is estimated by taking into account factors that are considered relevant by the municipality and which may include the consumption of water services by the totality of the users of a service within the area where the service is rendered by the municipality, at the appropriate level of service, for a specific time;

"fire installation" means a potable water installation that conveys water for fire-fighting purposes only;

"french drain' means a soil soak pit for the disposal of sewage and effluent from a septic tank;

"high strength sewage" means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

"household" means a family unit, as determined by the municipality as constituting a traditional household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

"illegal connection" means a connection to any system, by means of which water services are provided that is not authorised or approved by the municipality;

"industrial effluent" means effluent emanating from the use of water for industrial purposes and includes for purposes of these by-laws any effluent other than standard domestic effluent or storm water;

"industrial purposes" in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act (Act No 85 of 1993);

"installation work" means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

"interest" means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act (Act No 55 of 1975);

"manhole" means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

"main" means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of conveying water to a customer;

"measuring device" means any method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed;

"meter" means a water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 (Act No 77 of 1973) or, in the case of water meters of a size greater than 100 mm, a device that measures the quantity of water passing through it, including a pre-paid water meter;

"municipality" means –
a) the municipality, a local / district municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
b) subject to the provisions of any other law and only if expressly or impliedly required or permitted by these by-law the municipal manager in respect of the performance of any function, or the exercise of any duty, obligation, or right in terms of these by-laws or any other law; or
c) an authorised agent of Thembelihle municipality;

"municipal council" means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

"municipal manager" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act (Act No 117 of 1998) and includes any person to whom the municipal manager has delegated a power, function or duty but only in respect of that delegated power, function or duty;

"municipal services" means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;

"occupier" means a person who occupies any (or part of any) land, building, structure or premises and includes a person who, for someone else's reward or remuneration allows another person to use or occupy any (or any part of any) land, building structure or premises;

"on-site sanitation services" means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

"owner" means -
a) the person in whose name the ownership of the premises is registered from time to time or his agent;
b) where the registered owner of the premises is insolvent or dead, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;
d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
e) in relation to -

i. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act (Act No 95 of 1986), the developer or the body corporate in respect of the common property; or
ii. a section as defined in the Sectional Titles Act (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
iii. a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"person" means any person, whether natural or juristic and includes, but is not limited to, any local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act (Act No 56 of 1981) or such other qualification as may be required under national legislation;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its quality for the use for which it is normally intended;

"premises' means any piece of land, the external surface boundaries of which are delineated on:
a) a general plan or diagram registered in terms of the Land Survey Act (Act No 9 of 1927), or in terms of the Deeds Registries Act (Act No 47 of 1937);
b) a sectional plan registered in terms of the Sectional Titles Act (Act No 95 of 1986); or
c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"professional engineer" means a person registered in terms of the Engineering Profession Act (Act No 46 of 2000) as a professional engineer;

"public notice" means publication in the media including one or more of the following:
a) publication of a notice, in the official languages determined by the municipal council:
   1. in any local newspaper or newspapers circulating in the area of supply of the municipality;
   2. in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
   3. on the official website of the municipality;
   4. by means of radio broadcasts covering the area of supply of the municipality;
   5. displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
   6. communication with customers through public meetings and ward committee meetings;

"SANS" means the South African National Standard;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;

"sanitation system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;

"septic tank" means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"shared consumption" means the consumption by a customer of a municipal service during a specific period, that is calculated by dividing the total metered consumption of that municipal service in the supply zone where the customers premises are situated for the same period by the number of customers within the supply zone, during that period;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

"sewer" means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

"standpipe" means a connection through which water supply services are supplied to more than one person;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics as determined by the municipality in respect of chemical oxygen demand and settable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"terminal water fitting" means water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"trade premises" means premises upon which industrial effluent is produced;

"trap" means a pipe fitting or portion of a sanitary appliance designed to retain water seal which serves as a barrier against the flow of foul air or gas, in position;

"unauthorised service" means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, or approved by, the municipality;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

"water services" means water supply services and sanitation services;

"water services intermediaries" has the same meaning as that assigned to it in terms of the Act;

"water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the municipality and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

"working day" means a day other than a Saturday, Sunday or public holiday.

CHAPTER 2: APPLICATION, PAYMENT AND TERMINATION

Part 1: Application

68. Application for Water Services

1. No person shall be provided with access to water services unless application has been made to, and approved by, the municipality on the form prescribed in terms of the municipality's by-laws relating to credit control and debt collection.

2. Water services rendered to a customer by the municipality are subject to the municipality's by-laws relating to credit control and debt collection, these by-laws and the conditions contained in the relevant agreement.

69. Special Agreements for Water Services

The municipality may enter into a special agreement for the provision of water services with an applicant in accordance with the municipality's by-laws relating to credit control and debt collection.

70. Change in Purpose for which Water Services are Used

Where the purpose for, or extent to which, any municipal service is changed, the customer must promptly advise the municipality of the change and enter into a new agreement with the municipality.

Part 2: Charges

71. Prescribed Charges for Water Services

1. All applicable charges payable in respect of water services, including but not restricted to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with -
   a) its Rates and Tariff policy;
   b) any by-laws in respect thereof; and
   c) any regulations in terms of national or provincial legislation; but

2. Differences between categories of customers, users of services, types and levels of services, quantities of services, infrastructural requirements and geographic areas, may justify the imposition of differential changes.

72. Availability Charges for Water Services

The municipal council may, in addition to the charges determined for water services that have been actually provided, levy a monthly fixed charge, an annual fixed charge or only one fixed charge where water services are available, whether or not such services are consumed.

Part 3: Payment

73. Payment for Water Services

The owner, occupier and customer shall be jointly and severally liable and responsible for payment of all water services charges and water services consumed by a customer, in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 4: Termination, Limitation and Disconnection

74. Termination of Agreement for the Provision of Water Services

A customer may terminate an agreement for the provision of water services in accordance with the municipality's by-laws relating to credit control and debt collection.

75. Limitation and or Disconnection of Water Services Provided

1. The engineer may restrict or discontinue water supply services provided in terms of these by-laws -
   a) on failure to pay the determined charges on the date specified, in accordance with and after the procedure set out in the municipality's by-laws relating to credit control and debt collection has been applied;
   b) at the written request of a customer;
   c) if the agreement for the provision of services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection;
   d) the building on the premises to which services were provided has been demolished;
   e) if the customer has interfered with a restricted or discontinued service;
   f) in an emergency or emergency situation declared in terms of the municipality's by-laws relating to credit control and debt collection; or
   g) if the customer has interfered, tampered or damaged or caused or permitted interference, tampering or damage to the water supply system of the municipality for the purposes of gaining access to water supply services after notice by the municipality.

2. The engineer may disconnect sanitation services provided in terms of these by-laws -
   a) at the written request of a customer;
   b) if the agreement for the provision of sanitation services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection; or
   c) the building on the premises to which services were provided has been demolished.

3. The municipality shall not be liable for any damages or claims that may arise from the limitation or disconnection of water services provided in terms of subsections (1) and (2), including damages or claims that may arise due to the limitation or disconnection of water services by the municipality in the bona fide belief that the provisions of subsections (1) and (2) applied.

CHAPTER 3: SERVICE LEVELS

76. Service Levels

1. The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to customers.

2. The municipal council may in determining service levels differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.

3. The following levels of service may, subject to subsection (1), be provided by the municipality on the promulgation of these by-laws:
   a) Communal water supply services and on-site sanitation services -
   i) constituting the minimum level of service provided by the municipality;
   ii) consisting of reticulated standpipes or stationary water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
   iii) installed free of charge;
   iv) provided free of any charge to consumers; and
   v) only standpipes will be maintained by the municipality.
   b) Yard connection not connected to any water installation and an individual connection to the municipality's sanitation system -
   i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the municipality's sanitation system;
   ii) installed free of charge;
   iii) maintained by the municipality.
   c) A metered pressured water connection with an individual connection to the municipality's sanitation system -
   i) installed against payment of the relevant connection charges;
   ii) provided against payment of prescribed charges; and
   iii) with the water and drainage installations maintained by the customer.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: Connection to Water Supply System

77. Provision of Connection Pipe

1. If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the determined charge for the installation of such a pipe.

2. If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the engineer.

3. Only the engineer may install a connection pipe but the owner or customer may connect the water installation to the connection pipe.

4. No person may commence any development on any premises unless the engineer has installed a connection pipe and meter.

78. Location of Connection Pipe

1. A connection pipe provided and installed by the engineer shall -
   a) be located in a position determined by the engineer and be of a suitable size as determined by the engineer;
   b) terminate at -
      i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or
      ii) at the outlet of the water meter or isolating valve if it is situated on the premises.

2. The engineer may at the request of any person agree, subject to such conditions as the engineer may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.

3. An owner must pay the determined connection charge in advance before a water connection can be effected.

79. Provision of Single Water Connection for Supply to Several Customers on the Same Premises

1. Notwithstanding the provisions of section 12, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or customers located on such premises.

2. Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the engineer may, in its discretion, provide and install either -
   a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
   b) a separate measuring device for each accommodation unit or any number thereof.

3. Where the engineer has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be -
   a) must install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
   i) a separate measuring device; and
   ii) an isolating valve; and
   iii) will be liable to the municipality for the charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.

4. Where premises are supplied by a number of connection pipes, the engineer may require the owner to reduce the number of connection points and alter his water installation accordingly.

80. Disconnection of Water Installation from the Connection Pipe
The engineer may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards

81. Quantity, Quality and Pressure
Water supply services provided by the municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

82. Testing of Pressure in Water Supply Systems
The engineer may, on application by an owner and on payment of the determined charge, determine and furnish the owner with the amount of the pressure in the water supply system relating to his premises over such period as the owner may request.

83. Pollution of Water
1. An owner must provide and maintain approved measures to prevent the entry of any substance, which might be a danger to health or adversely affect the potability of water or affect its fitness for use, into -
   a) the water supply system; and
   b) any part of the water installation on his premises.

84. Water Restrictions
1. The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent, by public notice -
   a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction -
   i) in general or for specified purposes;
   ii) during specified hours of the day or on specified days; and
   iii) in a specified manner; and
   b) determine and impose -
   i) a restriction on the quantity of water that may be consumed over a specified period;
   ii) charges additional to those determined in respect of the supply of water in excess of a restriction contemplated in subsection (1)(b)(i); and
   iii) a general surcharge on the determined charges in respect of the supply of water; and
   c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

2. The municipality may restrict the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

3. The municipality -
   a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
   b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of subsection (1); and
   c) shall where the supply has been discontinued, restore it only when the determined charge for discontinuation and reconnecting the supply has been paid.

85. Specific Conditions of Supply

1. Notwithstanding the undertaking in section 15, the granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system -
   a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or
   b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.

2. The engineer may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.

3. If an owner of customer requires -
   a) that any of the standards referred to in subsection (1); or
   b) a higher standard of service than specified in section 15;
   c) be maintained on his premises, he or she shall take the necessary steps to ensure that the proposed water installation is able to meet such standards.

4. The engineer may, in an emergency, interrupt the supply of water to any premises without prior notice.

5. If in the opinion of the engineer the consumption of water by a customer adversely affects the supply of water to another customer, he may apply such restrictions as he may consider fit, to the supply of water to customer in order to ensure a reasonable supply of water to the other customer and must inform that customer about the restrictions.

6. The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.

7. Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

8. No customer shall resell water supplied to him by the municipality except with the written permission of the municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the municipality may deem fit.

Part 3: Measurement

86. Measuring of Quantity of Water Supplied

1. The engineer must provide a measuring device designed to provide either a controlled volume of water, or an uncontrolled volume of water, to a customer.

2. The municipality must, at regular intervals, measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water.

3. Any measuring device and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the engineer, shall remain its property and may be changed and maintained by the engineer when he consider it necessary to do so.

4. The engineer may install a measuring device, and its associated apparatus, at any point on the service pipe.

5. If the engineer installs a measuring device on a service pipe in terms of subsection (4), he may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and that section shall form part of the water installation.

6. If the engineer installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (4), the owner shall -
   a) provide a place satisfactory to the engineer in which to install it;
   b) ensure that unrestricted access is available to it at all times;
   c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
   d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
   e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the engineer on the measuring device; and
   f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the engineer, is likely to cause damage to any meter.

7. No person other than the engineer shall:
   a) disconnect a measuring device and its associated apparatus from the pipe on which they are installed;
   b) break a seal which the engineer has placed on a meter; or
   c) in any other way interfere with a measuring device and its associated apparatus.

8. If the engineer considers that a measuring device is a meter whose size is unsuitable because of the quantity of water supplied to premises, he may install a meter of a size that he considers necessary, and may recover the determined charge for the installation of the meter from the owner of the premises.

9. The municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in ascertaining the quantity of water supplied to each such unit; but where controlled volume water-delivery systems are used, a single measuring device may otherwise be used for more than one unit.

87. Quantity of Water Supplied to Customer

1. For the purposes of ascertaining the quantity of water that has been measured by a measuring device that has been installed by the engineer and that has been supplied to a customer over a specific period, it will, for the purposes of these by-laws, be presumed except in any criminal proceedings, unless the contrary is proved, that -
   a) the quantity, where the measuring device designed to provide an uncontrolled volume of water, is the difference between measurements taken at the beginning and end of that period;
   b) the quantity, where the measuring device designed to provide a controlled volume of water, is the volume dispensed by the measuring device;
   c) the measuring device was accurate during that period; and
   d) the entries in the records of the municipality were correctly made; and
   e) if water is supplied to, or taken by, a customer without having passed through a measuring device, the estimate by the municipality of the quantity of that water shall be presumed, except in any criminal proceedings, to be correct unless the contrary is proved.

2. Where water supplied by the municipality to any premises is in any way taken by the customer without the water passing through any measuring device provided by the municipality, the municipality may, for the purpose of rendering an account, estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.

3. For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer shall, as the municipality may decide, be based either on -

   a) the average monthly consumption of water on the premises recorded over three succeeding measuring periods after the date on which an irregularity referred to in subsection (2) has been discovered and rectified, or
   b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months immediately before the date on which an irregularity referred to in subsection (2) was discovered.

4. Nothing in these by-laws shall be construed as imposing on the municipality an obligation to cause any measuring device installed by the engineer on any premises to be measured at the end of every month or any other fixed period, and the municipality may charge the customer for an average consumption during the interval between successive measurements by the measuring device.

5. Until the time when a measuring device has been installed in respect of water supplied to a customer, the estimated or shared consumption of that customer during a specific period, must be based on the average consumption of water supplied to the specific supply zone within which the customers premises are situated.

6. Where in the opinion of the engineer it is not reasonably possible or cost effective to measure water that is supplied to each customer within a determined supply zone, the municipality may determine a tariff or charge based on the estimated or shared consumption of water supplied to that supply zone.

7. The municipality must within seven days, on receipt of a written notice from the customer and subject to payment of the determined charge, measure the quantity of water supplied to the customer at a time, or on a day, other than that upon which it would normally be measured.

8. If a contravention of subsection (7) occurs, the customer must pay to the municipality the cost of whatever quantity of water was, in the opinion by the municipality, supplied to him.

88. Special Measurement

1. If the engineer requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, may, by written notice, advise the owner concerned of his intention to install a measuring device at any point in the water installation that he may specify.

2. The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such a removal shall be carried out at the expense of the municipality.

3. The provisions of sections 20(5) and 20(6) shall apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of subsection (1).

89. No reduction of Amount Payable for Water Wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation.

Part 4: Audit

90. Water Audit

1. The municipality may require a customer, within one month after the end of a financial year of the municipality, to undertake a water audit at his own cost.

2. The audit must at least involve and report –
   a) the amount of water used during the financial year;
   b) the amount paid for water for the financial year;
   c) the number of people living on the stand or premises;
   d) the number of people permanently working on the stand or premises;
   e) the seasonal variation in demand through monthly consumption figures;
   f) the water pollution monitoring methods;
   g) the current initiatives for the management of the demand for water;
   h) the plans to manage their demand for water;
   i) a comparison of the report with any report that may have been made during the previous three years;
   j) estimates of consumption by various components of use; and
   k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 5: Installation Work

91. Approval of Installation Work

1. If an owner wishes to have installation work done, he or she must first obtain the municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400, or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

2. Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -
   a) the determined charge, if applicable; and

b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;
c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional engineer.

3. Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months.

4. Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until the work has been completed.

5. If installation work has been done in contravention of subsection (1) or (2), the municipality may require the owner -
a) to rectify the contravention within a specified period;
b) if work is in progress, to cease the work; and
c) to remove all such work which does not comply with these by-laws.

92. Persons Permitted to do Installation and Other Work

1. Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to:
a) do installation work other than the replacement or repair of an existing pipe or water fitting;
b) replace a fixed water heater or its associated protective devices;
c) inspect, disinfect and test a water installation, fire installation or storage tank;
d) service, repair or replace a back flow preventer; or
e) install, maintain or replace a meter provided by an owner in a water installation.

2. No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).

3. Notwithstanding the provisions of subsection (1) the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the engineer.

93. Provision and Maintenance of Water Installations

1. An owner must provide and maintain his water installation at his own cost and except where permitted in terms of section 96, must ensure that the installation is situated within the boundary of his premises.

2. An owner must install an isolating valve at a suitable point on service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.

3. Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

94. Technical Requirements for a Water Installation

Notwithstanding the requirement that a certificate be issued in terms of section 25 of the National Water Act, No.36 of 1998, all water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

95. Use of Pipes and Water Fittings to be Authorised

1. No person shall, without the prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the municipality.

2. Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.

3. A pipe or water fitting may be not be included in the Schedule referred to in subsection (1) unless it -
   a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
   b) bears a certification mark issued by the SANS to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS, provided that no certification marks shall be issued for a period exceeding two years; or
   c) is acceptable to the municipality.

4. The municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions, as it may consider necessary in respect of the use or method of installation.

5. A pipe or water fitting shall be removed from the Schedule if it -
   a) no longer complies with the criteria upon which its inclusion was based; or
   b) is no longer suitable for the purpose for which its use was accepted.

6. The current Schedule shall be available for inspection at the office of the municipality at any time during working hours.

7. The municipality may sell copies of the current Schedule at a determined charge.

96. Labelling of Terminal Water Fittings and Appliances

1. All terminal water fittings and appliances using or discharging water shall be marked, or have included within its packaging, the following information:
   a) The range of pressure in kPa over which the water fitting or appliance is designed to operate.
   b) The flow rate, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following pressures: 20 kPa, 100kPa and 400 kPa.

97. Water Demand Management

1. In any water installation where the dynamic water pressure is more than 200 kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute must not be installed.

2. The maximum flow rate from any tap installed on a wash hand basin must not exceed 6 litres per minute.

Part 6: Communal Water Supply Services

98. Provision of Water Supply to Several Consumers

1. The engineer may install a communal standpipe for the provision of water supply services to several consumers at a location it considers appropriate, provided that a majority of consumers, who in the opinion of the engineer, constitute a substantial majority, and to

whom water services will be provided by the standpipe, has been consulted by him or the municipality.

2. The engineer may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several consumers.

Part 7: Temporary Water Supply Services

99. Water Supplied from a Hydrant

1. The engineer may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for any period that may be prescribed by him and payment of such applicable charges, including a deposit, as may be determined by the municipal council from time to time.

2. A person who wishes to obtain a temporary supply of water referred to in subsection (1) must apply for such a water supply service in terms of section (2) and must pay a deposit determined by the municipal council from time to time.

3. The engineer shall provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from a hydrant.

4. The portable meter and all other fittings and apparatus provided for the temporary supply of water from a hydrant remain the property of the municipality and must be returned to the municipality on termination of the temporary supply. Failure to return the portable meter and all other fittings and apparatus shall result the imposition of penalties determined by the municipality from time to time.

Part 8: Boreholes

100. Notification of Boreholes

1. No person may sink a borehole on premises situated in a dolomite area, and before sinking a borehole a person must determine if the premises on which the borehole is to be sunk are situated within a dolomite area.

2. The municipality may, by public notice, require -
   a) the owner of any premises within any area of the municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier to notify it of the existence of a borehole on such premises, and provide it with such information about the borehole that it may require; and
   b) the owner or occupier of any premises who intends to sink a borehole on the premises, to notify it on the prescribed form of its intention to do so before any work in connection sinking it is commenced.

3. The municipality may require the owner or occupier of any premises who intends to sink a borehole, to undertake an environmental impact assessment of the intended borehole, to the satisfaction of the municipality, before sinking it.

4. The municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to -
   a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and
   b) impose conditions in respect of the use of a borehole for potable water services.

Part 9: Fire Services Connections

101. Connection to be Approved by the Municipality

1. The engineer shall be entitled in his absolute discretion to grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main.

2. No water shall be supplied to any fire extinguishing installation until a certificate that the municipality's approval in terms of section 25 of the National Water Act, No.36 of 1998 has been obtained and that the installation complies with the requirements of these and any other by-laws of the municipality has been submitted.

3. If in the engineers opinion a fire extinguishing installation, which he has allowed to be connected to the municipality's main, is not being kept in proper working order, or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, that shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customers expense.

102. Special Provisions

1. The provisions of SANS 0252-1 shall apply to the supply of water for fire fighting purposes.

103. Dual and Combined Installations

1. All new buildings erected after the commencement of these by-laws, must comply with the following requirements in relation to the provision of fire extinguishing services:
   a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes.
   b) Combined installations shall only be permitted where no booster pumping connection is provided on the water installation. In such cases a fire hydrant must be provided by the municipality, at the customers expense, within 90 metres of the property to provide a source of water for the fire tender to use in extinguishing the fire.
   c) Combined installations where a booster pumping connection is provided, shall only be permitted when designed and certified by a professional engineer.
   d) All pipes and fittings must be capable of handling pressures in excess of 1 800 kPa, if that pressure could be expected when boosting takes place and must be capable of maintaining their integrity when exposed to fire conditions.

104. Connection Pipes for Fire Extinguishing Services

1. After the commencement of these by-laws, a single connection pipe for both fire (excluding sprinkler systems) and potable water supply services shall be provided by the engineer.

2. The engineer shall provide and install, at the cost of the owner a combination meter on the connection pipe referred to in (1).

3. A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system unless the engineer gives his approval to the contrary.

4. A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while the device is operating.

105. Valves and Meters in Connection Pipes

1. Every connection pipe to a fire extinguishing installation must be fitted with valves and a measuring device which shall be:
   a) supplied by the engineer at the expense of the customer;
   b) installed between the customer's property and the main; and
   c) installed in such position as may be determined by the engineer.

106. Meters in Fire Extinguishing Connection Pipes
The engineer shall be entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes and the owner of the premises shall be liable for all costs in so doing if it appears to the municipality that water has been drawn from the pipe for purposes other than for the purpose of extinguishing a fire.

107. Sprinkler Extinguishing Installation
A sprinkler installation may be installed directly to the main, but the municipality may not be deemed to guarantee any specified pressure at any time.

108. Header Tank or Double Supply from Main
1. The customer must install a header tank at such elevation as will compensate for any failure or reduction of pressure in the municipality's main for its sprinkler installation, unless this installation is provided with a duplicate supply from a separate main.

2. The main pipe leading from a header tank to the sprinkler installation may be in direct communication with the main, provided that the main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.

3. Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

109. Sealing of Private Fire Hydrants
1. Except where a system is a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.

2. The customer must give the municipality at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.

3. The cost of resealing hydrants and hose-reels shall be borne by the customer except when the seals are broken by the municipality's officers for testing purposes.

4. Any water consumed through a fire installation or sprinkler system shall be paid for by the customer at the charges determined by the municipality.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to Sanitation System

110. Obligation to Connect to Sanitation System

1. All premises on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available or if it is reasonably possible or cost effective for the municipality to install a connecting sewer, unless approval for the use of on-site sanitation services was obtained in accordance with section 98.

2. The municipality may, by notice, require the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.

3. An owner of premises, who is required to connect those premises to the municipality's sanitation system in accordance with subsection (1), must inform the municipality in writing of any sanitation services, provided by the municipality on the site, which will no longer required as a result of the connection to the sanitation system.

4. The owner will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been terminated in accordance with the municipality's by-laws relating to credit control and debt collection.

5. If the owner fails to connect premises to the sanitation system after having had a notice in terms of subsection (2) the municipality, notwithstanding any other action that it may take in terms of these by-laws, may impose a penalty determined by it.

111. Provision of Connecting Sewer

1. If an agreement for sanitation services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connecting sewer exists in respect of the premises, the owner shall make application on the prescribed form, and pay the tariffs and charges determined by the municipality for the installation of a connecting sewer.

2. If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may agree to the extension only if the owner pays or undertakes to pay for the cost, as determined by the engineer, of the extension, modification or upgrading of the services.

3. Only the engineer may install or approve an installed connecting sewer; but the owner or customer may connect the sanitation installation to the connection pipe.

4. No person may commence any development on any premises unless the engineer has installed a connecting sewer.

112. Location of Connecting Sewer

1. A connecting sewer that has been provided and installed by the engineer must -
   a) be located in a position determined by the engineer and be of a suitable size determined by the engineer; and
   b) terminate at -
   i) the boundary of the premises; or
   ii) at the connecting point if it is situated on the premises.

2. The engineer may at the request of the owner of premises, approve, subject to any conditions that he may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.

3. Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer has to be subject to the approval of the municipality.

4. The owner of premises must pay the connection charges and tariffs determined by the municipality before a connection to the connecting sewer can be effected.

113. Provision of One Connecting Sewer for Several Consumers on Same Premises

1. Notwithstanding the provisions of section 46, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

2. Notwithstanding subsection (1), the municipality may authorise that more than one connecting sewer be provided in the sanitation system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.

3. Where the provision of more than one connecting sewer is authorised by the municipality under subsection (2), the tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

114. Interconnection Between Premises

An owner of premises must ensure, unless he has obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on his premises and the drainage installation on any other premises.

115. Disconnection of Connecting Sewer

The engineer may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards

116. Standards for Sanitation Services

Sanitation services provided by the municipality must comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

Part 3: Methods for Determining Charges

117. Measurement of Quantity of Domestic Effluent Discharged

1. As from 1 July 2003, the quantity of domestic effluent discharged shall be determined as a percentage of water supplied by the municipality; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality

may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.

2. Where premises are supplied with water from a source other than, or in addition to, the municipality's water supply system, including abstraction from a river or borehole, the quantity must be a percentage of the total water used on those premises that is reasonably estimated by the municipality.

118. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

1. The quantity of industrial effluent discharged into the sanitation system must be determined -
   a) where a measuring device is installed, by the quantity of industrial effluent discharged from the premises as measured by that measuring device; or
   b) until the time that a measuring device is installed, by a percentage of the water supplied by the municipality to those premises.

2. The municipality may require the owner of any premises to incorporate in any drainage installation conveying industrial effluent to a sewer, any control meter or gauge or other device of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.

3. The municipality may install and maintain any meter, gauge or device referred to in subsection (2) at the expense of the owner of the premises on which it is installed.

4. Where premises are supplied with water from a source other than or in addition to the municipality's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on those premises reasonably estimated by the municipality.

5. Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the municipality may on application by the owner reduce the assessed quantity of industrial effluent.

6. The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.

7. Charges relating to the quality of industrial effluent will be based on the formula for industrial effluent discharges as prescribed in Schedule C.

8. The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:
   a) each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the municipality;
   b) the municipality may conduct random compliance tests to correlate with those used in subsection (a) and, if discrepancies are found, the values of the municipality shall, except for the purpose of criminal proceedings, be presumed to be correct and further tests may be required by the municipality to determine, at the cost of the customer, the values for the formula;
   c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;

d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
e) in order to determine the strength (Chemical oxygen demand, suspended solids concentration, Ammonia concentration, and ortho-phosphate concentration) in the effluent as well as the concentration of Group 1 and 2 metals, pH value and conductivity, the municipality will use the tests normally used by municipalities for these respective purposes. Details of the appropriate test may be ascertained from the municipality or the SANS. Test results from a laboratory, accredited by the municipality, will have precedence over those of the municipality;
f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples and the period of treatment for calculation shall not be less than one full 24-hour period; unless evidence, is submitted to the municipality that a lesser period is actually applicable;
g) the terms of the disincentive formula cannot assume a negative value;
h) the total system values for quality charges shall remain constant for an initial period of one month, but in any case not longer than twelve months from the date of commencement of these charges, after the expiry of which time they may be amended or revised from time to time depending on such changes in the analysis results or further samples, as may be determined from time to time: provided that the municipality in its discretion in any particular case, may levy the minimum charges prescribed in subsection (7)(l) without taking any samples;
i) whenever the municipality takes a sample, one half of it must be made available to the customer;
j) for the purpose of calculating of the quantity of effluent discharged from each point of discharge of effluent, the total quantity of water consumed on the premises shall be allocated to the several points of discharge as accurately as is reasonably practicable;
k) the costs of conveying and treating industrial effluent shall be determined by the municipality and shall apply with effect from a date determined by the municipality; and
l) in the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the effluent strengths, the volume and the economic viability of micro and small industries.

119. Reduction in the Measured Quantity of Effluent Discharged

1. A person shall be entitled to a reduction in the quantity of effluent discharged, as determined in terms of sections 51 and 52, where the quantity of water, on which a percentage is calculated, was measured during a period where water was wasted or a leakage went undetected, if the consumer demonstrates to the satisfaction of the municipality that the water was not discharged into the sanitation system.

2. The reduction in the quantity shall be based on the quantity of water lost through leakage or wastage during the leak period.

3. The leak period shall be either the measuring period immediately prior to the date of repair of the leak, or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

4. The quantity of water lost shall be calculated as the consumption for the leak period less the average consumption, based on the preceding 3 (three) months, for the same length of time. In the event of no previous history of consumption being available, the average water consumption will be determined by the municipality, after taking into account all information that is considered by it to be relevant.

5. There shall be no reduction in the quantity if a loss of water, directly or indirectly, resulted from a consumers failure to comply with these or other by-laws.

120. Charges in Respect of On-Site Sanitation Services
Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs arising from the removal of the pit contents, its transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues and are payable by the owner.

Part 4: Drainage Installations

121. Installation of Drainage Installations
An owner must provide and maintain his drainage installation at his own expense, unless the installation constitutes a basic sanitation facility as determined by the municipality, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

1. The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.

2. Any drainage installation that has been constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standard prescribed in terms of the Act.

3. No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.

4. Where premises are situated in the 1 in 50 years flood plain, the top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.

5. After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the building regulations, these by-laws and any other relevant law or by-laws.

6. No rainwater or storm-water, and no effluent other than an effluent that has been approved by the municipality, may be discharged into a drainage installation.

122. Disconnection of Drainage Installations
1. Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

2. Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the municipality approves otherwise.

3. When a disconnection has been made after all the requirements of the Building Regulations in regard to disconnection have been complied with, the engineer must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations and that any charges raised in respect of the disconnected portion of the drainage installation shall cease to be levied from the end of the month preceding the first day of the month following the issue of such certificate.

4. When a drainage installation is disconnected from a sewer, the engineer must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.

5. Where a drainage system is connected to or disconnected from the sewer system during a month, charges will be calculated as if the connection or disconnection were made on the first day of the month following the month in which the connection or disconnection took place.

123. Maintenance of Drainage Installations

1. An owner must provide and maintain his drainage installation at his own cost.

2. Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation.

3. The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

124. Technical Requirements for Drainage Installations

All drainage installations shall comply with SANS code 0252 and the Building Regulations.

125. Drains

1. Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the engineer.

2. A drain or part of it may only be laid within, or either passes under or through a building, with the approval of the engineer.

3. A drain or part of it which it is laid in an inaccessible position under a building may not bend or be laid at a gradient.

4. If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the discharge of any substance to the drain.

126. Sewer Blockages

1. No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or fitting that may cause its blockage or ineffective operation.

2. When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he shall take immediate steps to have it cleared.

3. When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the municipality.

4. Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by, or under the supervision of, a plumber.

5. Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.

6. Where a blockage has been removed from a drain or portion of a drain which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

7. Where a blockage in a sanitation system has been removed by the engineer and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface neither the engineer nor the municipality shall be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the engineer.

127. Grease Traps

A grease trap of an approved type, size and capacity must be provided in respect of all premises that discharge sewage to on-site sanitation systems or where, in the opinion of the municipality, the discharge of grease, oil and fat is likely to cause an obstruction to the flow in sewers or rains, or to interference with the proper operation of any waste-water treatment plant.

128. Industrial Grease Traps

1. The owner or manufacturer must ensure that industrial effluent which contains, or which, in the opinion of the municipality is likely to contain, grease, oil, fat of inorganic solid matter in suspension shall, before it is allowed to enter any sewer, is passed through one or more tanks or chambers, of a type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter, that is approved by the engineer.

2. The owner or manufacturer must ensure that oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of, or exceeding, 20 C must be intercepted and retained in a tank or chamber so as to prevent its entry of into the sewer.

3. A tank or chamber as referred to in subsection (2) must comply with the following requirements:
   a) It shall be of adequate capacity, constructed of hard durable materials and water-tight when completed;
   b) the water-seal of its discharge pipe shall be not less than 300 mm in depth; and
   c) shall be provided with a sufficient number of manhole covers for the adequate and effective removal of grease, oil fat and solid matter.

4. Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording -
   a) the dates on which the tank or chamber was cleaned;
   b) the name of any the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
   c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

129. Mechanical Appliances for Lifting Sewage

1. The owner of any premise must obtain the approval of the engineer before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.

2. Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.

3. Notwithstanding any approval given in terms of subsection (1), the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.

4. Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

5. Unless otherwise permitted by the engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.

6. Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.

7. The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.

8. Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance.

9. Every sewage storage tank required in terms of paragraph (a) must -
   a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
   b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity; and
   c) be so designed that the maximum of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.

10. Every storage tank and stilling chamber shall be provided with a ventilation pipe in accordance with the engineer's specifications.

Part 5: On-Site Sanitation Services and Associated Services

130. Installation of On-Site Sanitation Services

If an agreement for on-site sanitation services in respect of premises has been concluded, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality, on the site unless the service is a subsidised service that has been determined by the municipality in accordance with section 10 of the municipality's Credit Control and Debt Collection Bylaw.

131. Ventilated Improved Pit Latrines

1. The municipality may, on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.

2. A ventilated improved pit latrine must have -
   a) a pit of 2 m capacity;
   b) lining as required;

c) a slab designed to support the superimposed loading; and
d) protection preventing children from falling into the pit;

3. A ventilated improved pit latrine must conform to the following specifications:
   a) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
   b) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
   c) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
   d) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
   e) must be sited in a position that is independent of the dwelling unit;
   f) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
   g) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
   h) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

132. Septic Tanks and Treatment Plants

1. The municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.

2. A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated.

3. Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the municipality.

4. A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

5. A septic tank serving a dwelling unit must -
   a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom, subject to a minimum capacity below such an invert level of 2 500 litres;
   b) have an internal width of not less than 1 metre measured at right angles to the direction of the flow;
   c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 metre; and
   d) retain liquid to a depth of not less than 1,4 metre.

6. Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer registered as a member of the engineering Council of South Africa.

7. No rain water, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

133. French Drains

1. The municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of french drains, soakage pits or other approved works.

2. A french drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.

3. The dimensions of any french drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

4. French drains serving premises other than a dwelling house must be designed and certified by a professional Civil engineer registered as a member of the engineering Council of South Africa.

134. Conservancy Tanks

1. The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.

2. No rainwater, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.

3. No conservancy tank must be used as such unless -
   a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
   b) the tank is gas and water tight;
   c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;
   d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the engineer and which is situated in a position required by the municipality;
   e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

4. The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.

5. Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.

6. The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.

135. Operation and Maintenance of On-Site Sanitation Services
The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidised services determined in accordance with the municipality's by-laws relating to credit control and debt collection.

136. Disused Conservancy and Septic Tanks
If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the engineer may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

Part 6: Industrial Effluent

137. Approval to Discharge Industrial Effluent
1. No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.

2. A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.

3. The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.

4. Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards No. 103 of 1977, also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

138. Withdrawal of Approval to Discharge Industrial Effluent
1. The municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving 14 (fourteen) days notice, if the customer -
   a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or the written permission referred to in section 71;
   b) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or
   c) fails to pay the charges in respect of any industrial effluent discharged.

2. The municipality may on withdrawal of any approval -
   a) in addition to any steps required in these by-laws, and on 14 (fourteen) days written notice, authorise the closing or sealing of the connecting sewer of the said premises; and
   b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

139. Quality Standards for Disposal of Industrial Effluent

1. A commercial customer, to whom approval has been granted must ensure that no industrial effluent is discharged into the sanitation system of the municipality unless it complies with the standards and criteria set out in Schedule A.

2. The municipality may, in giving its approval, relax or vary the standards in Schedule A, provided that it is satisfied that any relaxation represents the best practicable environmental option.

3. In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality must consider -
   a) whether the commercial customer's undertaking is operated and maintained at optimal levels;
   b) whether technology used by the commercial customer represents the best available to the commercial customer's industry and, if not, whether the installation of the best technology would cause the customer unreasonable expense;
   c) whether the commercial customer is implementing a programme of waste minimisation that complies with national waste minimisation standards set in accordance with national legislation;
   d) the cost to the municipality of granting the relaxation or variation; and
   e) the environmental impact or potential impact of the relaxation or variation.

4. Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down as a requisition for granting an approval.

140. Conditions for the Discharge of Industrial Effluent

1. The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to -
   a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sanitation system;
   b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;
   c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his industrial effluent at any other point;
   d) construct on any pipe conveying his industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
   e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
   f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;
   g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the municipality and copies of the calibration must to be forwarded to it by the commercial customer; and
   h) cause industrial effluent to be analyzed as often, and in whatever manner, may be determined by the municipality and provide it with the results of these tests when they are completed.

2. The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of subsection (1), shall be borne by the commercial customer concerned.

3. If industrial effluent that neither complies with the standards in Schedule A nor has received the approval of the municipality, is discharged into the sanitation system, the municipality must be informed and the reasons for it, within twelve hours of the discharge.

Part 7: Sewage Delivered by Road Haulage

141. Acceptance of Sewage Delivered by Road Haulage

The engineer may, in his discretion, and subject to such conditions as he may specify, accept sewage for disposal that is delivered to the municipality's sewage treatment plants by road haulage.

142. Approval for Delivery of Sewage by Road Haulage

1. No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the engineer and subject to any conditions, and any times, that may on reasonable grounds be imposed by him.

2. The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs of charges.

143. Withdrawal of Permission for Delivery of Sewage by Road Haulage

1. The engineer may withdraw any approval, given in terms of section 75, after giving at least 14 (fourteen) days written notice of his intention to do so, if a person who has been allowed to discharge sewerage by road haulage –
   a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A, or as a condition of approval; or
   b) fails or refuses to comply with any notice served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition that has been imposed on him as a condition of approval; and
   c) fails to pay all the charges applicable to the delivery of sewage.

144. Conditions for Delivery of Sewage by Road Haulage

1. When sewage is to be delivered by road haulage –
   a) the time and place when delivery is to be made shall be arranged in consultation with the engineer; and
   b) the engineer must be satisfied before a delivery can take place, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these by-laws.

Part 8: Other Sanitation Services

145. Stables and Similar Premises

1. The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfillment of any condition that the municipality may impose; but approval will be given only if -
   a) the floor of the premises is paved by impervious materials that are approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and

b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

146. Mechanical Food-Waste or Other Disposal Units

1. The municipality may approve the connection or incorporation of a mechanical waste food disposal unit or garbage grinder into a drainage installation that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if -
   a) a water meter is installed by the municipality;
   b) the engineer is satisfied that the municipality's sewerage and sewage treatment system will not be adversely affected; and
   c) the installation or incorporation is installed in conformity with the municipality's by-laws relating to electricity.

Part 9: Installation Work

147. Approval of Installation Work

1. If an owner wishes to have installation work done, he must first obtain the municipality's written approval.

2. Application for the approval referred to in subsection (1) must be made on the prescribed form and shall be accompanied by -
   a) a charge determined by the municipality, if a charge is determined, and
   b) copies of all drawings that may be required and approved by the municipality;
   c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.

3. Approval given in terms of subsection (1) shall lapse after 24 (twenty-four) months.

4. When approval has been given in terms of subsection (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site at all reasonable times until the work has been completed.

5. If installation work has been done in contravention of subsections (1) or (2), the municipality may require the owner -
   a) to rectify the contravention within a specified time;
   b) if work is in progress, to cease the work; and
   c) to remove all work that does not comply with these by-laws.

148. Persons Permitted to do Installation and Other Work

1. No person who is not a plumber, or working under the control of a plumber, shall be permitted to -
   a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
   b) inspect, disinfect and test a drainage installation, fire installation or storage tank;
   c) service, repair or replace a back flow preventer; or
   d) install, maintain or replace a meter provided by an owner in a drainage installation.

2. No person shall require or engage a person who is not a plumber to do the work referred to in subsection (1).

3. Notwithstanding the provisions of subsections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be

inspected and approved by a plumber under the direction of or who has been nominated by, the engineer.

149. Use of Pipes and Water Fittings to be Authorised

1. No person shall, without the prior written authority of the engineer, install or use a pipe or water fitting in a water installation within the municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings compiled by the municipality.

2. Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the municipality.

3. A pipe or water fitting may be included in the Schedule referred to in subsection (1) if -
   a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or
   b) it bears a certification mark issued by the SANS to certify that the pipe or water fitting -
      i) complies with an SANS Mark specification; or
      ii) a provisional specification issued by the SANS;
   c) it is included in the list of water and sanitation installations accepted by JASWIC;
   d) No certification marks shall be for a period exceeding two years.

4. The municipality may impose any additional condition that it considers necessary as relating to the use, or method of installation, of any pipe or water fitting included in the Schedule.

5. A pipe or sanitation fitting must be removed from the Schedule if it -
   a) no longer complies with the criteria upon which its inclusion was based; or
   b) is no longer suitable for the purpose for which its use was accepted.

6. The current Schedule must be available for inspection at the office of the municipality at any time during working hours.

7. The municipality may sell copies of the current Schedule at a charge determined by it.

150. Testing of Drainage Installations

1. No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall, the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence, and to the satisfaction, of the engineer, before the draining installation has been enclosed:
   a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;
   b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
   c) after all openings to the pipe or series of pipes to be tested, after having been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and
   d) all parts of the installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.

2. If the municipality has reason to believe that any drainage installation or any part of it has become defective, it may require the owner of any premises to conduct any or all of the tests

prescribed in subsection (1) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

151. Water Demand Management

1. Notwithstanding the provisions of sections 92 and 113, no flushing urinal that is not user-activated shall be installed or continue to operate in any water installation. All flushing urinals that are not user-activated installed prior to the commencement of these regulations must be converted to user-activated urinals within two years of the commencement of these by-laws.

2. No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

CHAPTER 6: WATER SERVICES INTERMEDIARIES

152. Registration

The municipality may by public notice require water services intermediaries or classes of water services intermediaries to register with the municipality in a manner specified in a public notice.

153. Provision of Water Services

1. Water services intermediaries must ensure that water services, including basic services as determined by the municipal council, are provided to such persons it is obliged to provide with water services.

2. The quality, quantity and sustainability of water services provided by a water services intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the municipality to customers.

154. Charges for Water Services Provided

1. A water services intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the municipality.

2. A water services intermediary must provide subsidised water services, as determined by the municipal council in terms of the municipality's by-laws relating to credit control and debt collection from time to time, and provided by the municipality to customers at a price that is the same or less than the charges at which the municipality provides such services.

CHAPTER 7: UNAUTHORISED WATER SERVICES

155. Unauthorised Services

1. No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services.

2. The municipality may, irrespective of any other action it may take against such person in terms of these by-laws by written notice order a person who is using unauthorised services to -
   a) apply for such services in terms of sections 2 and 3; and
   b) undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant by-laws.

156. Interference with Infrastructure for the Provision of Water Services

1. No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided.

2. No person other than the municipality shall effect a connection to infrastructure through which water services are provided.

3. The municipality may recover any costs associated with repairing damage caused as a result of a contravention of subsections (1) and (2). The costs recoverable by the municipality is the full cost associated with repairing the damage and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

157. Obstruction of Access to Infrastructure for the Provision of Water Services

1. No person shall prevent or restrict the physical access of the municipality to infrastructure through which water services are provided.

2. If a person contravenes subsection (1), the municipality may -
   a) by written notice require such person to restore access at his own expense within a specified period; or
   b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

3. The costs recoverable by the municipality is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

158. Waste of Water

1. No customer shall permit -
   a) the purposeless or wasteful discharge of water from terminal water fittings;
   b) pipes or water fittings to leak;
   c) the use of maladjusted or defective water fittings; or
   d) an overflow of water to persist.

2. An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).

3. If an owner fails to take measures as contemplated in subsection (2), the municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).

4. The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

159. Unauthorised and Illegal Discharges

1. No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.

2. The owner or occupier of any premises on which steam or any liquid other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the municipality has approved such discharge.

3. Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

4. No person may discharge or cause or permit the discharge of -
   a) any substance, including storm water, other than sewage, to be discharged into a drainage installation;
   b) of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
   c) water from artificial fountains, reservoirs or swimming pools situated on premises into a drainage installation, without the approval of the municipality and subject to the payment of relevant charges and such conditions as the municipality may impose;
   d) any sewage, industrial effluent or other liquid or substance which -
      i) in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
      ii) is in the form of steam or vapour or has a temperature exceeding 44 C at the point where it enters the sewer;
      iii) has a pH value less than 6.0;
      iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
      v) contains any substance having an open flashpoint of less than 93C or which releases a poisonous vapour at a temperature below 93 C;
      vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;
      vii) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
      viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;

ix) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;

x) contains any substance which in the opinion of the engineer -

(aa) cannot be treated at the sewage treatment work to which it could be discharged; or

(bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or

(cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act (Act No 36 of 1998), or

i) either alone or in combination with other substance may -

(aa) generate or constitute a toxic substance dangerous to the health of persons employed at
the sewage treatment works or entering the councils sewers or manholes in the course of their duties; or

(bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or

(cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

5. No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

6. The municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from -
   a) injury to persons, damage to the sanitation system; or
   b) a prosecution in terms of the National Water Act (Act No 36 of 1998).

160. Illegal Re-Connection

A customer whose access to water supply services have been restricted or disconnected, who intentionally reconnects to services or who intentionally or negligently interferes with infrastructure through which water supply services are provided, shall on written notice be disconnected.

161. Interference with Infrastructure

1. No person may unlawfully and intentionally or negligently interfere with infrastructure through which the municipality provides municipal services.

2. If a person contravenes subsection (1), the municipality may -
   a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or
   b) if it is of the opinion that the situation is a matter of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

162. Pipes in Streets or Public Places

No person shall for the purpose of conveying water or sewage derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the prior written permission of the municipality and subject to such conditions as it may impose.

163. Use of Water from Sources Other than the Water Supply System

1. No person shall use or permit the use of water obtained from a source other than the water supply system, other than rainwater tanks which are not connected to the water installation, except with the prior approval of the engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.

2. Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.

3. Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer -
   a) a condition imposed in terms of subsection (1) is breached; or
   b) the water quality no longer conforms to the requirements referred to in subsection (2).

4. The engineer may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in subsection (2).

5. The determined charge for the taking and testing of the samples referred to in subsection (4) above shall be paid by the person to whom consent was granted in terms of subsection (1).

6. If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

7. The provisions of section 20 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

164. Use of On-Site Sanitation Services Not Connected to the Sanitation System

1. No person shall use or permit the use of on-site sanitation services not connected to the municipality's sanitation system except with the prior approval of the engineer, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.

2. Any person desiring the consent referred to in subsection (1) shall provide the engineer with evidence satisfactory to it that the sanitation facility is not likely to have a detrimental effect on heath or the environment.

3. Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of the engineer -
   a) a condition imposed in terms of subsection (1) is breached; or
   b) the sanitation facility has a detrimental impact on health or the environment.

4. The engineer may undertake such investigations as he or she may deem necessary to determine if a sanitation facility has a detrimental impact on health or the environment.

5. The person to whom consent was granted in terms of subsection (1) shall be liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of the investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

CHAPTER 8: NOTICES

165. Power to Serve and Compliance with Notices

1. The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfill any condition imposed in it, to rectify his failure within a period specified in the notice, which period shall not be less than thirty days except where a notice is issued in terms of section 18, when the period shall not be less than seven days.

2. If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -
   a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
   b) restricting or discontinuing the provision of services; and
   c) instituting legal proceedings.

3. A notice in terms of subsection (1) must -
   a) give details of any provision of the by-laws that has not been complied with;
   b) give the owner, consumer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
   c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
   d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
   e) indicate that the municipality -
      i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, consumer or other person who has failed to comply with it; and
      ii) may take any other action that it considers necessary for ensuring compliance.

4. In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by subsection (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of subsection (1).

5. The costs recoverable by the municipality in terms of subsections (3) and (4) are the full costs associated with that work and includes, but are not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 9: APPEALS

166. Appeals Against Decisions of the Municipality

1. A customer may appeal in writing against a decision of, or a notice issued by the municipality in terms of these by-laws.

2. An appeal in terms of subsection (1) must be made in writing and lodged with the municipality within 14 (fourteen) days after a customer became aware of the decision or notice and must -
   a) set out the reasons for the appeal; and
   b) be accompanied by any security determined by the municipality for the testing of a measuring device, if it has been tested.

3. An appeal must be decided by the municipality within 14 (fourteen) days after an appeal was lodged and the customer must be informed of the outcome in writing, as soon as possible thereafter.

4. The decision of the municipality is final.

5. The municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 10: OFFENCES

167. Offences

1. Subject to subsection (2), any person who -

a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;

b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;

c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;

d) fails to comply with the terms of a notice served upon him in terms of these by-laws;

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R800, or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence, after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.

2. No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

3. Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 11: DOCUMENTATION

168. Signing of Notices and Documents

A notice or document issued by the municipality in terms of these by-laws and signed by a staff member of the municipality shall be deemed to have been duly issued and must on its mere production be accepted by a court as prima facie evidence of that fact.

169. Service of Notices

1. Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act (Act 51 of 1977), be served personally, failing which it may regarded as having duly been served -
   a) when it has been left at a persons village, place of residence, or business or employment in the Republic, with a person apparently over the age of sixteen years;
   b) when it has been posted by registered or certified mail to a persons last known residential address or business address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
   c) if a person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in a manner provided for in subsections (a), (b) or (d); or
   d) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, if any, to which it relates.

2. Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

3. When any notice or other document must be authorised or served on the owner, occupier of any property, or of any person who holds a right over, or in respect of it, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the right over or in respect of, the property, and shall not be necessary to name him.

4. Where compliance with a notice is required within a specified number of working days, the period that is required shall commence on the date when the notice is served or when it has first been given in any other way contemplated in these by-laws.

170. Authentication of Documents

1. Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if it is signed by the municipal manager, by a duly authorised officer of the municipality or by the Manager of the municipality's authorised agent.

2. Authority to authorise, as envisaged in subsection (1) must be conferred by a resolution of the municipality, by a written agreement or by a bylaw.

171. Prima Facie Evidence

In legal proceedings by or on behalf of the municipality, a certificate reflecting an amount of money as being due and payable to the municipality, shall, if it is made under the hand of the municipal manager, or of a suitably qualified employee of the municipality who is authorised by the municipal manager or the Manager of the municipality's authorised agent, shall upon its mere production constitute prima facie evidence of the indebtedness.

CHAPTER 12: GENERAL PROVISIONS

172. Responsibility for Compliance with these By-Laws

1. The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to water and the installation and maintenance of sanitation.

2. The customer is responsible for compliance with these by-laws in respect of matters relating to the use of any water and the installation and maintenance of sanitation.

173. Provision of Information

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

174. Power of Entry and Inspection

1. The municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

2. Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

3. The municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

4. A person representing the municipality must, on request, provide his identification.

175. Indemnification from Liability

Neither employees of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of his duties unless the damage is caused by a wrongful and intentional act or negligence.

176. Exemption

1. The engineer may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose, if he or she is of the opinion that the application or operation of that provision would be unreasonable, provided that the engineer shall not grant exemption from any section of these by-laws that may result in -
   a) the wastage or excessive consumption of water supply services;
   b) significant adverse effects on public health, safety or the environment;
   c) the non-payment for services;
   d) the Act, or any regulations made in terms of it, not being complied with.

2. The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

177. Conflict of Law

If there is any conflict between these by-laws and any other by-laws of the municipality, these by-
laws will prevail.

178. Transitional Arrangements

1. Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these by-laws; and the municipality may, for a period of 90 (ninety) days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.

2. Any reference in these by-laws to a charge determined by the municipal council shall be deemed to be a reference to a charge determined by the municipal council under the laws repealed by section 114, until the effective date of any applicable charges that may be determined by the municipal council in terms of these by-laws, or by-laws relating to credit control and debt collection, and any reference to a provision in the laws repealed by section 114 shall be deemed to be a reference to a corresponding provision in these by-laws.

3. Any approval, consent or exemption granted under the laws repealed by section 114 shall, save for the provisions of subsection (3), remain valid.

4. No customer shall be required to comply with these by-laws by altering a water installation or part of it which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the engineer, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the engineer may by notice require the customer to comply with the provisions of these by-laws.

179. Repeal of Existing Municipal Water Services By-laws

The provisions of any by-laws relating to water supply and sanitation services by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

180. Short Title and Commencement

1. These by-laws are called the Water Services By-laws of the Thembelihle municipality.

2. The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

3. Until any notice contemplated in subsection (2) is issued, these by-laws are binding.

SCHEDULE A: LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITYS SANITATION SYSTEM

Parameter	Allowed Specification
PV-not exceed	1400 ml/l
Ph within range	6,0 10,0
Electrical conductivity not greater than	500 m S / m at 20 C
Caustic alkalinity (expressed as CaCO3)	2 000 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg / l
Substances soluble in petroleum ether	500 mg / l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg / l
Formaldehyde (expressed as HCHO)	50 mg / l
Non organic solids in suspension	100 mg / l
Chemical oxygen demand (CO)	5 000 mg / l
All sugars and / or starch (expressed as glucose)	1 500 mg / l
Available chlorine (expressed as Cl)	100 mg / l
Sulphates (expressed as SO4)	1 800 mg / l
Fluorine containing compounds (expressed as F)	5 mg / l
Anionic surface active agents	500 mg / l

METALS:

Group 1:

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg / l, nor shall the concentration of any individual metal in a sample exceed 20 mg / l.

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se

Mercury	Hg

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg / l, nor shall the concentration of any individual metal in any sample exceed 5 mg / l.

OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg / l.

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any National Department: Provided that, notwithstanding the requirements set out in this Part, the municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING

The method of testing in order to ascertain the concentration of any substance in this Schedule, shall be the test normally used by the municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the municipality.

SCHEDULE B: APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITYS SANITATION SYSTEM

(Please complete application in block capitals)

I (name):

_____

the undersigned, duly authorised to set on behalf of

_____

and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the Thembelihle municipality for approval to discharge industrial effluent into the municipality's sanitation system in accordance with the information provided herein.

PART I

1. NATURE OF THE BUSINESS OR INDUSTRY CONCERNED:

_____

2. NAME OR STYLE UNDER WHICH THE BUSINESS OR INDUSTRY IS CONDUCTED:

_____

3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY:

_____

4. PHYSICAL STREET ADDRESS:

_____

ERF NO OR FARM PTN: _____ TOWNSHIP OR FARM:_____

5. If the business or industry is conducted by a company or closed corporation, state the name of the secretary, and if it is a partnership state the names of the partners:

_____

6. IS THIS A NEW OR ESTABLISHED BUSINESS:

_____

7. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE

PRODUCED:

_____

_____

_____

_____

_____

_____

8. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
(1) Total number of daily employees (not included in (4))		
(2) Number of shifts worked per day		
(3) Number of days worked per week		
(4) Number of persons resident on the premises		
(5) Is a canteen provided?		

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER1

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the municipality				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total A				

2. WATER CONSUMPTION

(1) Industrial	**kl/Month**
(i) Quantity of water in product	
(ii) Quantity of water lost by evaporation	
(iii) Quantity of water used as boiler make-up	
(iv) Quantity of water for other uses (e.g. cooling, gardens, etc)	
TOTAL B	

(2) Domestic use	**kl/Month**
(i) Total number of employees (Allow 1 kilolitre/person/month)	
(ii) Total number of employees permanently resident on the premises eg. hostels (Allow1 kilolitre/person/month)	
TOTAL C	

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

(1) Metered volume (if known)	kl/ Month
(2) Estimated un-metered volume (see below*)	kl/ Month
(3) Estimated rate of discharge	
(4) Period of maximum discharge (e.g. 07:00 to 08:00)	

* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:

A - (B + C) = ... Kilolitre /Month

PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

Information relating to the chemical and physical characteristics of the effluent to be discharged:

(1) Maximum temperature of effluent	C
(2) pH value	Ph
(3) Nature and amount of settleable solids	
(4) Organic Content (Expressed as Chemical Oxygen Demand)	
(5) Maximum total daily discharge (kilolitres)	
(6) Maximum rate of discharge (kilolitres / hr)	
(7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)	
(8) If any of the substances or their salts, specified in the table are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.	

TABLE

ELEMENTS		COMPOUNDS		OTHER SUBSTANCES	
Arsenic	mg/l	Ammonium	mg/l	Grease and / or oil	mg/l
Boron	mg/l	Nitrate	mg/l	Starch and / or sugars	mg/l
Cadmium	mg/l	Sulphide	mg/l	Synthetic detergents	mg/l
Chromium	mg/l	Sulphate	mg/l	Tar and / or tar oils	mg/l
Cobalt	mg/l	Others (Specify)	mg/l	Volatile Solvents	mg/l
Copper	mg/l			Others (Specify)	mg/l
Cyanide	mg/l				
Iron	mg/l				
Lead	mg/l				
Manganese	mg/l				
Mercury	mg/l				
Nickel	mg/l				
Selenium	mg/l				
Tungsten	mg/l				
Titanium	mg/l				
Zinc	mg/l				
Other	mg/l				

(9) Any further information as to kind or character, chemical compositions, concentrations or other properties peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.

2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.

3. The applicant shall, in addition to complying with the provisions of the municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.

4. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.

5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may approve.

6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.

7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

Thus done at ..... by the applicant this ..... day of ..... 20 .....
....

.....
Signature and capacity of the applicant

SCHEDULE C: FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

1. The additional charge for industrial effluent for the disposal of high strength sewage to a wastewater treatment plant shall be determined in accordance with the following formula:

Where Tc = Extraordinary Treatment Cost to Consumer
Qc = Waste water Volume discharged by consumer in kl
T = Unit Treatment cost of waste water in R/kl
CODc = Total COD of waste water discharged by consumer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD
CODd = Total COD of domestic waste water in milligrams per litre
Pc = Ortho-phosphate concentration of wastewater discharged by consumer in milligrams phosphorus per litre
Pd = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre
Nc = Ammonia concentration of waste water discharged by consumer in milligrams of nitrogen per litre
Nd = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre
a = Portion of the costs directly related to COD
b = Portion of the costs directly related to the removal of phosphates
c = Portion of the costs directly related to the removal of nitrates

Different terms	Value
T	R0.82/kl
CODd	600 mg/l
	10 mg/l
Nd	25 mg/l
A	0.6
B	0.25
C	0.15

ANNEXURE A: EXTRACTS FROM THE LEGISLATION THAT SETS OUT WHAT MUST BE ADDRESSED IN BY-LAWS

The Water Services Act

Section 21 of the Water Services Act provides as follows:

"**21. Bylaws**

(1) Every water services authority must make bylaws which contain conditions for the provision of water services, and which must provide for at least-

(a) the standard of the services;[1]

(b) the technical conditions of supply, including quality standards, units or standards of measurement,

the verification of meters, acceptable limits of error and procedures for the arbitration of disputes

relating to the measurement of water services provided;[2]

(c) the installation, alteration, operation, protection and inspection of water services works and

consumer installations;

(d) the determination and structure of tariffs in accordance with section 10;[3]

(e) the payment and collection of money due for the water services;

(f) the circumstances under which water services may be limited or discontinued and the procedure for

such limitation or discontinuation;[4] and

(g) the prevention of unlawful connections to water services works and the unlawful or wasteful use of

water.

(2) Conditions under which water services are provided-

(a) may place limits on the areas to which water services will be provided according to the nature,

topography, zoning and situation of the land in question;

(b) may provide for the limitation or discontinuation of water services where a consumer fails to meet his or her obligations to the water services provider, including-

(i) a failure to pay for services; or

(ii) a failure to meet other conditions for the provision of services;

(c) may place an obligation on a payment defaulter-

(i) to pay a higher deposit;

(ii) to pay a reconnection fee after disconnection of water services;

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1 See Regulations relating to compulsory national standards and measures to conserve water promulgated in terms of sections 9(1) and 73(1) of the Water Services Act - Government Notice RS09, 8 June 2001.

2 See Regulations relating to compulsory national standards and measures to conserve water promulgated in terms of sections 9(1) and 73(1) of the Water Services Act - Government Notice RS09, 8 June 2001.

3 See Regulations relating to norms and standards in respect of tariffs for water services promulgated in terms of section 10(1) of the Water Services Act - Government Notice R652, 20 July 2001.

4 See section 4(3) of the Water Services Act states that "procedures for the limitation or discontinuation of water services must-

(a) be fair and equitable;

(b) provide for reasonable notice of intention to limit or discontinue water services and for an opportunity to make representations, unless-

(i) other consumers would be prejudiced;

(ii) there is an emergency situation; or

(iii) the consumer has interfered with a limited or discontinued service; and

(c) not result in a person being denied access to basic water services for non-payment, where that person proves, to the satisfaction of the relevant water services authority, that he or she is unable to pay for basic services."

(d) may require a payment defaulter to pay a higher tariff for water services, where that defaulter gains access to water services through a communal water services work and the provision thereof cannot be disconnected or limited without other consumers being prejudiced;
(e) may provide for the general limitation or discontinuation of water services where-
(i) national disasters cause disruptions in the provision of services; or
(ii) sufficient water is not available for any other reason;
(f) may include an option to retain limited access to at least basic water supply or basic sanitation for a consumer whose water services are to be discontinued; and
(g) must be accessible to consumers and potential consumers.
(3) A water services authority which-
a) provides water for industrial use; or
b) controls a system through which industrial effluent is disposed of, must make bylaws providing for at least-
c) the standards of service;
d) the technical conditions of provision and disposal;
e) the determination and structure of tariffs;
f) the payment and collection of money due; and
g) the circumstances under which the provision and disposal may be limited or prohibited."

The Municipal Systems Act

Tariffs

Section 75 of the Municipal Systems Act provides as follows -

"75. By-laws to give effect to policy
(1) A municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
(2) By-laws in terms of subsection (1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

When making by-laws relating to tariffs it is important that a tariff policy must be drafted by the municipality prior to making such by-laws. The policy must precede the by-laws. The by-laws must give effect to the tariff policy. The Municipal Systems Act provides the following in respect of a tariff policy –

"74. Tariff policy
(1) A municipal council must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with the provisions of this Act and with any other applicable legislation.

(2) A tariff policy must reflect at least the following principles, namely that -
a) users of municipal services should be treated equitably in the application of tariffs;
b) the amount individual users pay for services should generally be in proportion to their use of that service;
c) poor households must have access to at least basic services through-
i) tariffs that cover only operating and maintenance costs;
ii) special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
iii) any other direct or indirect method of subsidisation of tariffs for poor households;
d) tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
e) tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;

f) provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
g) provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged:
i) the extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

(3) A tariff policy may differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.

Credit Control

Section 98 of the Municipal Systems Act provides as follows -

"98. By-laws to give effect to policy

1. A municipal council must adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement.

2. By-laws in terms of subsection (1) may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.

When making by-laws relating to credit control and debt collection it is important that a credit control and debt collection policy must be drafted by the municipality prior to making such by-laws. The policy must precede the by-laws. The by-laws must give effect to the credit control and debt collection policy. The Municipal Systems Act provides the following in respect of a credit control and debt collection policy –

"96. Debt collection responsibility of municipalities

A municipality -

a) must collect all money that is due and payable to it, subject to this Act and any other applicable legislation; and
b) for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariff policies and complies with the provisions of this Act.

97. Contents of policy

(1) A credit control and debt collection policy must provide for -
a) credit control procedures and mechanisms;
b) debt collection procedures and mechanisms;
c) provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents;
d) realistic targets consistent with -
i) general recognised accounting practices and collection ratios, and
ii) the estimates of income set in the budge it less an acceptable provision for bad debts;
e) interest on arrears, where appropriate;
f) extensions of time for payment of accounts;
g) termination of services or the restriction of the provision of services when payments are in arrears;
h) matters relating to unauthorised consumption of services, theft and damages; and
i) any other matters that may be prescribed by regulation in terms of section 104.

(2) A credit control and debt collection policy may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair discrimination.

Other relevant sections
The Municipal Systems Act further contains a number of additional sections relating to credit control and debt collection that are relevant to by-laws in respect thereof. These are -

"95. Customer care and management
(5) In relation to the levying of rates and other taxes by a municipality and the charging of fees for municipal services, a municipality must, within its financial and administrative capacity -

a) establish a sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the municipality, and where applicable, a service provider;
b) establish mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider;
c) take reasonable steps to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
d) where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
e) ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due;
f) provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;
g) provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
h) provide mechanisms to monitor the response time and efficiency in complying with paragraph (g); and
i) provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

101. Municipality's Right of Access to Premises
The occupier of premises in a municipality must give an authorised representative of the municipality or of a service provider access at all reasonable hours to the premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.

102. Accounts
(1) A municipality may -

a) consolidate any separate accounts of persons liable for payments to the municipality;
b) credit a payment by such a person against any account of that person; and
c) implement any of the debt collection and credit control measures provided for in this Chapter in relation to any arrears on any of the accounts of such a person.

(2) Subsection (1) does not apply where there is a dispute between the municipality and a person referred to in that subsection concerning any specific amount claimed by the municipality from that person.

103. Agreements with Employers
A municipality may -

a) with the consent of a person liable to the municipality for the payment of rates or other taxes, or fees for municipal services, enter into an agreement with that persons employer to deduct from the salary or wages of that person -
i) any outstanding amounts due by that person to the municipality; or
ii) regular monthly amounts as may be agreed; and
b) provide special incentives for -
i) employers to enter into such agreements; and
ii) employees to consent to such agreements.

118. Restraint on Transfer of Property[5]

1. A registrar of deeds may not register the transfer of property except on production to that registrar of deeds of a prescribed certificate -
   a) issued by the municipality or municipalities in which that property is situated; and
   b) which certifies that all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

(1A) A prescribed certificate issued by a municipality in terms of subsection (1) is valid for a period of 120 days from the date it has been issued.

2. In the case of the transfer of property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act No. 24 of 1936.
3. An amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.
4. Subsection (1) does not apply to -
   a) a transfer from the national government, a provincial government or a municipality of a residential property which was financed with funds or loans made available by the national government, a provincial government or a municipality; and
   b) the vesting of ownership as a result of a conversion of land tenure rights into ownership in terms of Chapter 1 of the Upgrading of Land Tenure Rights Act No. 112 of 1991: Provided that nothing in this subsection precludes the subsequent collection by a municipality of any amounts owed to it in respect of such a property at the time of such transfer or conversion.
5. Subsection (3) does not apply to any amount referred to in that subsection that became due before a transfer of a residential property or a conversion of land tenure rights into ownership contemplated in subsection (4) took place.

It is important to remember that the Minister may make regulations or issue guidelines to provide for or regulate the following matters relating to credit control and debt collection in terms of the Municipal Systems Act. No regulations have been promulgated to date.

[5] The Constitutional Court is currently considering the constitutionality of this section Mkontwana v Nelson Mandela Metropolitan municipality and Others; Bisset and Others v Buffalo City municipality 2003 unreported Case Numbers 1238/02 and 903/2002

ANNEXURE B: EXTRACTS FROM THE STRATEGIC FRAMEWORK FOR WATER SERVICES, 2003

Tariffs

Retail tariff policies must be based on the following tariff principles:

TARIFFS SHOULD BE APPLIED EQUITABLY AND FAIRLY.

THE AMOUNT INDIVIDUAL USERS PAY FOR SERVICES GENERALLY SHOULD BE IN PROPORTION TO THEIR USE OF THAT SERVICE.

WATER AND SANITATION TARIFFS FOR DOMESTIC USE SHOULD BE PRO-POOR IN THEIR ORIENTATION, THAT IS, THEY SHOULD SEEK TO ENSURE THAT A MINIMUM BASIC LEVEL OF WATER SUPPLY AND SANITATION SERVICE IS AFFORDABLE FOR ALL HOUSEHOLDS, ESPECIALLY VULNERABLE GROUPS SUCH HOUSEHOLDS HEADED BY WOMEN OR CHILDREN OR AFFECTED BY HIV/AIDS.

TARIFFS MUST REFLECT ALL OF THE COSTS REASONABLY ASSOCIATED WITH RENDERING THE SERVICE.

TARIFFS MUST BE SET AT LEVELS THAT FACILITATE THE FINANCIAL SUSTAINABILITY OF THE SERVICE, TAKING INTO ACCOUNT SUBSIDISATION FROM SOURCES OTHER THAN THE SERVICE CONCERNED.

THE ECONOMICAL, EFFICIENT AND EFFECTIVE USE OF RESOURCES, THE REDUCTION OF LEAKS AND UNACCOUNTED-FOR WATER, THE RECYCLING OF WATER, AND OTHER APPROPRIATE ENVIRONMENTAL OBJECTIVES MUST BE ENCOURAGED.

A TARIFF POLICY MAY DIFFERENTIATE BETWEEN DIFFERENT CATEGORIES OF USERS, DEBTORS, SERVICE PROVIDERS, SERVICES, SERVICE STANDARDS, GEOGRAPHICAL AREAS AND OTHER MATTERS AS LONG AS THE DIFFERENTIATION DOES NOT AMOUNT TO UNFAIR DISCRIMINATION.

ALL FORMS OF SUBSIDIES SHOULD BE TRANSPARENT AND FULLY DISCLOSED.

Retail Water and Sanitation Tariff Policies - Water Services Authorities
Retail water and sanitation tariff policies must be developed by water services authorities. These must conform to the following requirements.

Revenue requirements. When determining the revenue requirements for water services, a water services institution must take into account at least the following: realistic operating and maintenance costs (including any relevant and applicable overheads, charges and levies), interest costs, depreciation charges, a reasonable rate of return on assets (where appropriate), and provisions for bad debt and other future costs (including infrastructure expansion). In addition, a water services institution must determine the cash needs to maintain a financially

viable and sustainable operation over time, taking into account any available and secure operating subsidies. A water services institution may take into account a contribution to the general municipal rates fund (where appropriate).

Costs. All water services authorities must plan to provide all households with at least a basic level of water supply and sanitation service). In the first instance, national government subsidies in the form of the municipal infrastructure grant and the local government equitable share should be used to assist in the provision of these services). Taking these sources of subsidy into account, any additional costs associated with the provision of basic water supply and sanitation services (including the implementation of free basic water supply and sanitation policies) must be included in the revenue requirements outlined above. The costs of rehabilitation and system expansion must be taken into account. Water losses and unaccounted-for water must be managed down to acceptable levels. The allocation of funds for maintenance must be sufficient to maintain the water services infrastructure and related systems adequately.

Contributions. The contribution from water services to the rates and general fund should be limited to less than ten percent of gross revenue from the sale of water. Income from sanitation charges should not be used to subsidise other services.

Consumer categories. Retail water and wastewater tariffs shall distinguish between at least three categories of consumers: domestic, industrial and other.

Levels of service. Retail water and wastewater tariffs shall distinguish between significantly different levels and standards of service provided and between at least the following: a communal water service (water services provided to more than one household); where a controlled (limited or restricted) volume of water is supplied to a household; where an uncontrolled volume of water is supplied to a household (that is, the volume of water supply is not limited for all practical purposes); where a household is connected to a sewer and where a household is not connected to a sewer.

Cross-subsidies. Tariffs shall support the viability and sustainability of water supply services to the poor through cross-subsidies (where feasible) and discourage wasteful or inefficient use.

Metering. All connections providing an uncontrolled volume of water supply shall be metered and tariffs shall be applied in proportion to water use.

Marginal domestic tariff above the basic amount. Where domestic consumers consume just more than a defined basic amount, water services authorities shall not be entitled to recoup the full financial cost of providing the basic amount in the marginal tariff for the next small increment consumed. In other words, if the free basic water allocation is 6 kl per month, then a water services authority may not require a consumer who uses 7 kl per month to pay for the full financial costs for the supply of 7 kl per month.

Domestic water tariffs for water consumed significantly in excess of a defined basic amount shall at least recover the full direct financial costs of the service provided in excess of the defined basic amount, and may take into account any external economic costs and benefits (externalities) associated with the provision of the service including, where appropriate, the average incremental costs that would be incurred to increase the capacity of the water supply and wastewater infrastructure to meet an incremental growth in demand.

Industry and non-domestic. Water and sanitation tariffs for industrial and other categories of non-domestic consumer shall at least recover the full direct financial costs of the service. Tariffs may take into account any external economic costs and benefits (externalities) associated with the provision of the service including, where appropriate, the average incremental costs that would be incurred to increase the capacity of the water supply and wastewater infrastructure to meet an incremental growth in demand.

Tariff increases. Water services authorities must strive to keep tariff increases to below the rate of inflation. Tariff increases must be based on the efficient use of resources and the actual input cost increases incurred (for example, chemical and energy costs). Where there have been no recent expansions in infrastructure, then it should be possible to keep tariff increases to well below the rate of inflation due to the fact that fixed depreciation and financing costs are likely to make up a significant share of total costs. Conversely, when system expansion has occurred and this has resulted in increased depreciation and financing costs, then tariff increases in excess of inflation may be necessary in order to maintain the financial viability of the service. Where current tariffs do not adequately cater for system rehabilitation and maintenance, then tariffs will need to be increased appropriately.

Subsidies. Where subsidies for water services are applied, these shall be prioritised for the provision of basic water supply and sanitation services in terms of the free basic water and free basic sanitation policies.

Special tariffs. Water services authorities may implement special tariffs during periods of water restrictions to reduce water use to within sustainable levels.

Credit Control

Effective credit control is a critically important component of providing a reliable and effective service to all communities and consumers. Failure to consistently apply fair credit control policies can result in consumers and whole communities going without water.

Water services authorities have the responsibility to develop a credit control policy. This policy must provide for credit control procedures which are fair and equitable, provide for warnings and adequate notice, provide for consumer representations, allow alternative payment arrangements, and set out a fair procedure that will be applied in the event of non-payment. Where a consumer continues to fail to pay for services provided after the application of such procedures and a fair warning, a municipality must be able to take actions that will limit its financial loss and promote good payment habits.

When a municipality formulates its credit control policy it must take into account the impact of credit control mechanisms (and the lack thereof) on the community, the existing service delivery context, the need for financial viability to support the sustainable provision of services and the effectiveness of the proposed credit control mechanisms.

The following principles must be incorporated in the credit control policy:

Compassion: Local government must develop and implement a credit control policy which is compassionate, especially towards poor and vulnerable households. This means that priority should be given to providing a reliable, secure, sustainable and affordable water supply and sanitation service to all households including the poor. Policies and procedures should seek to avoid the accumulation of bad debt and the high costs associated with restrictions or disconnections and reconnections.

Communication: Consumers must be informed with respect to water consumption, credit control, debt collection and disconnection policies, credit control procedures and consumer responsibilities. Communication must be clear and accessible and, wherever practical, in the home language of the consumer.

Fair Process: All restrictions and disconnections must be done in terms of a fair and transparent process and as a result of the failure of a consumer (or consumers) to fulfill their obligations in terms of a consumer contract.

Warning: Domestic consumers must receive a warning prior to any credit control action.

Restricting Domestic Connections: In the first instance, and after following due process (including a warning), domestic water supply connections must be restricted and not disconnected, ensuring that at least a basic supply of water is available. (Only where the costs associated with restricting water services in this manner would have a substantial and significant impact on the sustainable provision of water services to the broader community, may water services be disconnected after proper procedures have been followed.)

Tampering: Disconnection (after a warning) may be appropriate where services equipment has been tampered with, since tampering may jeopardise the health of consumers and the proper functioning of the system.

Interference: Where a domestic consumers access to water services has been restricted (in terms of an appropriate policy and procedure) and that consumer interferes with the restriction in a manner that renders the limitation less effective, the municipality may disconnect such a consumer (after a warning) until such time as the consumer has made an arrangement for settlement of the outstanding amount and has paid any fine that the water services provider may impose.

Disconnecting Water Supplies: A water services provider has the right to disconnect water services of domestic water consumers only where all of the above provisions have been followed. A water services provider has the right to disconnect water services of non-domestic water consumers whenever a non-domestic consumer has breached its contract with the water services provider, provided a fair process is followed.

In addition to the above, various alternative or complementary credit control mechanisms could be considered where appropriate.

Responsibility for Implementing Credit Control: Water services providers have the responsibility of implementing credit control (in terms of the credit control policy established by the water services authority) where they assume the financial risk and have the responsibility for collecting user charges. Where this is not the case, then the water services authority has the responsibility to implement credit control itself. In order to protect the financial viability of a water services provider, a water services authority must give the water services provider the right to restrict and disconnect water services connections subject to the credit control policy established by the water services authority and developed in terms of the policies set out in this White Paper.

Balancing Rights and Responsibilities: The limitation and disconnection of water services is a sensitive issue that requires the balancing of rights and obligations. Consumers have a right to a basic water supply and sanitation service. However, this right also embodies the obligation to exercise that right reasonably and in accordance with general limitations placed on that right. At the same time, water services authorities must ensure sustainable provision of water services and safeguard the financial viability of the water services provider. These rights and responsibilities must be clearly communicated to consumers.

By-law No. 8, 2008

BUILDING CONTROL BY-LAW, 2008

BY-LAW

To provide for the control of buildings erected on land in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

"**Act**" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and shall include any regulation made in terms of section 17 of the Act;

"**building**" includes –

(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with -

(i) the accommodation or convenience of human beings or animals;

(ii) the manufacture, processing, storage, display or sale of any goods;

(iii) the rendering of any service;

(iv) the destruction or treatment of refuse or other waste materials;

(v) the cultivation or growing of any plant or crop;

(b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;

(c) any fuel pump or any tank used in connection therewith;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c);

(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"**building control officer**" means any person appointed or deemed to be appointed as building control officer by the Municipality in terms of section 5 of the Act;

"**Municipality**" means the Thembelihle municipality; and

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Buildings on land to be reflected on plans

2. (1) Subject to the provisions of this By-law, the Municipality shall not issue a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), regarding land, unless the Municipality is satisfied that –

(a) any building erected on the land, in respect of which plans and specifications are to be drawn and submitted to the Municipality for approval in terms of the Act, is properly erected and maintained in accordance with such plans and specifications; and

(b) no building contemplated in paragraph (a), in respect of which plans and specifications have not been approved by the Municipality, is erected on the land; and

(c) any building erected on the land complies with all the requirements of the Act; or

(d) there is no building on the land,

and in writing, makes a statement to that effect.

(2) An application to the Municipality for the issue of a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall, subject to section 4, be accompanied by the statement referred to in subsection (1).

Application for and issue of statement

3. (1) Any application for the issue of a statement referred to in section 2(1) shall –

(a) be directed to the Municipal Manager;

(b) be in writing on the form made available by the Municipality for that purpose; and

(c) be accompanied by the prescribed fees.

(2) The Municipal Manager shall refer the application to the building control officer, who shall do, or cause to be done, an inspection of the land concerned and make a recommendation regarding the application to the Municipality.

(3) After the Municipality has considered the recommendations of the building control officer, it shall -

(a) make the statement referred to in section 2(1); or

(b) refuse to make such statement,

and forthwith, in writing, notify the applicant accordingly.

(4) If the Municipality refuses to make the statement, it must provide written reasons for its decision when notifying the applicant of the decision and indicate what

steps must be taken before a new application in terms of subsection (1) could again be submitted.

Failure by the Municipality to act within a certain period

4. Should the Municipality fail to act in accordance with section 3(3) within a period of 30 days after the application was made in terms of section 3(1), it shall be deemed that the Municipality has made the statement referred to in section 2(1).

Delegation of powers

5. The Municipality may, subject to such conditions as it may determine, delegate any of its powers under this By-law to the Municipal Manager.

Short title

6. This By-law shall be called the Building Control By-law, 2008

By-law No. 9, 2008

MUNICIPAL TAXI RANKS BY-LAW, 2008

BY-LAW

To provide for the establishment, maintenance and management of municipal taxi ranks in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**bus**" means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"**financial year**" means a year starting on the first day of July of any year and ending on the last day of June of the next year;

"**Manager: Traffic Services**" means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

"**motor vehicle**" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"**Municipality**" means the Thembelihle municipality;

"**Municipal Manager**" means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**municipal taxi rank**" means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;

"**municipal traffic officer**" means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

"**parking permit disc**" means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

"**taxi**" means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

"**this By-law**" shall include the rules to be observed at municipal taxi ranks as contemplated in section 2.

Municipality may establish, maintain and manage municipal taxi ranks

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.

(2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.

(3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by –

(a) taxi drivers;
(b) taxi owners; or
(c) members of the public,

who enters into, parks at or makes use of taxi services at that rank or area.

(4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks

3. (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).

(2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.

(3) A parking permit disc shall –

(a) be of the design and contain the particulars set out in the Schedule; and

(b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

Application for, issue and duration of a parking permit disc

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.

(2) An application for the issue of a parking permit disc must –

(a) be in the form determined by the Municipality;
(b) be directed to the Municipal Manager;
(c) be accompanied by the fees determined by the Municipality;
(d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.

(3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned –

(a) issue the parking permit disc to the applicant; or

(b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.

(4) If an application was turned down by the Municipal Manager –

(a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;

(b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.

(5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.

(6) The owner of a taxi, making use of a municipal taxi rank, must –

(a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;

(b) keep such records for at least one year after the end of the financial year in which it was made; and

(c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.

(7) A parking permit disc shall lapse at the end of each financial year.

Presumption that owner drove or parked taxi

5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi making use of a municipal taxi rank.

Seizure and impoundment of taxis at municipal taxi ranks

6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days –

(a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);

(b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or

(c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.

(2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.

(3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

Delegation

7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

Penalty clause

8. (1) Any person who contravenes or fails to comply with –

(a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or

(b) a provision of this By-law,

shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

9. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

10. This By-law shall be called the Municipal Taxi Ranks By-law, 2008

SCHEDULE

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.

2. The words "PARKING PERMIT • THEMBELIHLE MUNICIPALITY/PARKEERPERMIT • THEMBELIHLE MUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating –

(a) the name of the owner of the taxi;

(b) the registration number of the taxi;

(c) the financial year in respect whereof the permit was issued; and

(d) the number of the permit.

By-law No. 10, 2008

ELECTRICITY BY-LAW, 2008

BY-LAW

To provide for the provision of an electrical service in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

ARRANGEMENT OF SECTIONS

SCHEDULE 1

Laws repealed

SCHEDULE 2

"applicable standard specification" means

CHAPTER 1

GENERAL

Definitions

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

"**accredited person**" means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"**applicable standard specification**" means the standard specifications as listed in Schedule 2;

"**certificate of compliance**" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"**consumer**" in relation to premises means –

(i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or

(ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or

(iii) if there is no such person or occupier, the owner of the premises;

"**credit meter**" means a meter where an account is issued subsequent to the consumption of electricity;

"**electrical contractor**" means an electrical contractor as defined in the Regulations;

"**electrical installation**" means an electrical installation as defined in the Regulations;

"**high voltage**" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV<Un □ 220 kV [SANS 1019];

"**law**" means any applicable law, proclamation, ordinance, Act of Parliament or enactment having force of law;

"**low voltage**" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V) [SANS 1019];

"**medium voltage**" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV < Un □ 44 kV. [SANS 1019];

"**meter**" means a device which records the demand or the electrical energy consumed and includes conventional and prepayment meters;

"**motor load, total connected**" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"**motor rating**" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"**motor starting current**" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"**Municipality**" means the Thembelihle municipality;

"**Municipal Manager**" means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**occupier**" in relation to any premises means –

(a) any person in actual occupation of such premises;

(b) any person legally entitled to occupy such premises;

(c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his or her own account or as agent for any person entitled thereto or interested therein; or

(d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he or she is absent from the Republic of South Africa or his or her whereabouts are unknown;

"**owner**" in relation to premises means the person in whom is vested the legal title thereto: Provided that –

(a) in the case of immovable property –
  (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof; or

  (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined –

  (i) is deceased or insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the

person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or

(ii) is absent from the Republic of South Africa, or if his or her address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and

(c) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"**point of consumption**" means a point of consumption as defined in the Regulations;

"**point of metering**" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised officer of the Municipality: Provided that it shall meter all of, and only, the consumer's consumption of electricity;

"**point of supply**" means the point determined by the Municipality or any duly authorised officer of the Municipality at which electricity is supplied to any premises by the Municipality;

"**premises**" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

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

"**Regulations**" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and published by G.N. R2920 of 23 October 1992, as amended;

"**safety standard**" means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;

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

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

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

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

"**tariff**" means the Municipality's tariff of charges for the supply of electricity;

"**token**" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and *vice versa*; and

"**voltage**" means the root-mean-square value of electrical potential between two conductors.

Other terms

2. All other terms used in this By-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act No. 41 of 1987).

Headings and titles

3. The headings and titles in this By-law shall not affect the construction thereof.

CHAPTER 2
GENERAL CONDITIONS OF SUPPLY

Provision of Electricity Services

4. Only the Municipality shall supply or contract for the supply of electricity within its area of jurisdiction.

Supply by agreement

5. No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this By-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in section 44.

Service of notice

6. (1) Any notice or other document that is served on any person in terms of this By-law is regarded as having been served –

(a) when it has been delivered to that person personally;
(b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

(c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;

(d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or

(e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or 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.

(3) Any legal process is validly served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

Compliance with notices

7. Any person on whom a notice duly issued or given under this By-law is served shall, within the time specified in such notice, comply with its terms.

Application for supply of electricity

8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorised officer of the Municipality, which may specify any special conditions to be satisfied in such case.

Processing of requests for supply

9. Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

Wayleaves

10. (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory servitude

11. (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area –

(a) provide, establish and maintain electricity services;

(b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;

(c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;

(d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

(2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.

(3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

Right of admittance to inspect, test or do maintenance work

12. (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of –

(a) doing anything authorised or required to be done by the Municipality under this By-law or any other law;

(b) inspecting and examining any service mains and anything connected therewith;

(c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;

(d) ascertaining whether there is or has been a contravention of the provisions of this By-law or any other law; and

(e) enforcing compliance with the provisions of this By-law or any other law.

(2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or a court of law.

(3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (1).

Refusal or failure to give information

13. No person shall refuse or fail to give such information as may be reasonably required of him or her by any duly authorised officer of the Municipality or render any false information to any such officer regarding any electrical installation work completed or contemplated.

Refusal of admittance

14. No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised officer of the Municipality in the performance of his or her duty under this By-law or of any duty connected therewith or relating thereto.

Improper use

15. If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

Electricity tariffs and fees

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

Deposits

17. The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this By-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

Payment of charges

18. (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.

(2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) An error or omission in any account or failure to render an account shall not relieve the consumer of his or her obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself or herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(4) Where a duly authorised officer of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he or she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each subsequent visit necessary for the purpose of such disconnection.

(5) After disconnection for non-payment of an account, the prescribed fees and all amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

Interest on overdue accounts

19. The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

Principles for the resale of electricity

20. (1) Unless otherwise authorised in writing by the Municipality, no person shall sell or supply electricity, supplied to his or her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by Standards South Africa and supplied, installed and programmed in accordance with the standards of the Municipality.

(2) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

Right to disconnect supply

21. (1) The Municipality may disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he or she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-law or the Regulations are being contravened: Provided that the Municipality has given the person 14 day's notice to remedy his or her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of section 26, without notice. After disconnection for non-payment of an account or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.

(2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Municipality

22. The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by fault on the part of the Municipality.

Leakage of electricity

23. Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of supply

24. The Municipality is not obliged to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality may charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

Seals of the Municipality

25. The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised officer of the Municipality, and no person not being an officer of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Tampering with service connection or supply mains

26. (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains of the Municipality.

(2) Where *prima facie* evidence exists of a consumer or any other person having contravened subsection (1), the Municipality may disconnect the supply of electricity immediately and without prior notice to the consumer and such consumer or person shall be liable for all fees and charges levied by the Municipality for such disconnection.

(3) Where a consumer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his or her estimated consumption.

Protection of Municipality's supply mains

27. (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –

(a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;

(b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;

(d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

(2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

(3) The Municipality may, subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention of this By-law.

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

Prevention of tampering with service connection or supply mains

28. If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

Unauthorised connections

29. No person other than a person specifically authorised thereto by the Municipality in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

30. (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation which has been disconnected by the Municipality.

(2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality may remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

Temporary disconnection and reconnection

31. (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.

(2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the consumer shall not be liable to pay any fee.

(3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

Temporary supply of electricity

32. It shall be a condition of the giving of any temporary supply of electricity, in terms of this By-law that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

Temporary work

33. An electrical installation requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

Load reduction

34. (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

(2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised officer of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting or changing such apparatus and equipment.

(3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

Medium and low voltage switchgear and equipment

35. (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorised officer of the Municipality, be paid for by the consumer.

(2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised officer of the Municipality and installed by or under the supervision of any duly authorised officer of the Municipality.

(3) No person shall operate medium voltage switchgear without the written authority of the Municipality.

(4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of a duly authorised officer of the Municipality.

(5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the Municipality or any duly authorised officer of the Municipality.

Substation accommodation

36. (1) The Municipality may, on such conditions as it may deem fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

(2) The Municipality may, however, supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

Wiring diagram and specification

37. (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall be supplied to the Municipality in duplicate for approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

Standby supply

38. No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

Consumer's emergency standby supply equipment

39. (1) No emergency standby equipment provided by a consumer in terms of the Regulations or for his or her own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.

(2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

Circular letters

40. The Municipality may from time to time issue circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this By-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3
RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

41. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his or her own expense and in accordance with this By-law and the Regulations.

Fault in electrical installation

42. (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.

(2) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

43. In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he or she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of occupier

44. (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she shall remain liable for such supply.

(2) If the person taking over occupation of the premises desires to continue using the electricity supply, he or she shall make application in accordance with the provisions of section 5, and if he or she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he or she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.

(3) Where premises are fitted with pre-payment meters, any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5, he or she shall be liable for all charges and fees owed to the Municipality for that metering point, as well as any outstanding charges and fees whether accrued by that person or not.

Service apparatus

45. (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling or replacing such equipment.

(3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.

CHAPTER 4
SPECIFIC CONDITIONS OF SUPPLY

Service connection

46. (1) The consumer shall bear the cost of the service connection, as determined by the Municipality.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.

(3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised officer of the Municipality.

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

(5) The consumer shall provide, fix and maintain on his or her premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.

(6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised officer of the Municipality.

(7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging

to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available if the erven are consolidated or notarially tied.

(8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.

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

(10) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

Metering accommodation

47. (1) The consumer shall, if required by the Municipality or any duly authorised officer of the Municipality, provide accommodation in an approved position, for the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

(2) Where submetering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.

(3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

(4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

(5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 5
SYSTEMS OF SUPPLY

Load requirements

48. Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

Load limitations

49. (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised officer of the Municipality.

(2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised officer of the Municipality.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

Interference with other persons' electrical equipment

50. (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.

(2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(3) Should it be established that undue interference is in fact occurring, the consumer shall, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to motors

51. Unless otherwise approved by the Municipality or any duly authorised officer of the Municipality the rating of motors shall be limited as follows:

(1) **Limited size for low voltage motors**

The rating of a low voltage single-phase motor shall be limited to 2kW and the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

(2) **Maximum starting and accelerating currents of three-phase alternating current motors**

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size (copper equivalent)	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
mm²	A	kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) **Consumers supplied at medium voltage**

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

Power factor

52. (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.

(2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his or her own cost, install such corrective devices.

Protection

53. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 6
MEASUREMENT OF ELECTRICITY

Metering

54. (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2), in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

(4) The Municipality may meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

(5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised officer of the Municipality.

Accuracy of metering

55. (1) A meter shall be presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5), is found to be within the limits of error as provided for in the applicable standard specifications.

(2) The Municipality may from time to time test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall –

(a) in the case of a credit meter, adjust the account rendered;
(b) in the case of prepayment meters –

(i) render an account where the meter has been under-registering; or

(ii) issue a free token where the meter has been over-registering,

in accordance with the provisions of subsection (6).

(3) The consumer may have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) In case of a dispute, the consumer shall have the right at his or her own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) (a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the Municipality shall –

(i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

(ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and

(iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his or her account should not be adjusted as notified.

(b) Should the consumer fail to make any representations during the period referred to in paragraph (a)(iii), the Municipality shall be entitled to adjust the account as notified in paragraph (a)(i).

(c) The Municipality shall consider any reasons provided by the consumer in terms of paragraph (a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.

(d) If a duly authorized officer of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of paragraph (a)(i).

Reading of credit meters

56. (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.

(2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.

(3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of 6 months preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.

The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

Prepayment metering

57. (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

(3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.

(4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens.

(5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him or her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.

(6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and terminate such appointments after reasonable notice.

CHAPTER 7
ELECTRICAL CONTRACTORS

Additional requirements

58. In addition to the requirements of the Regulations, the following requirements shall apply:

(1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised officer of the Municipality may at his or her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the duly authorised officer of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.

(2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised officer of the Municipality in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from his or her responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is

in accordance with this By-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

Municipality not responsible

59. The Municipality shall not be held responsible for the work done by an electrical contractor or accredited person on a consumer's premises or for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

CHAPTER 8
COST OF WORK

Cost of work

60. The Municipality may repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this By-law, may be recovered by the Municipality from the person who acted in contravention of this By-law.

CHAPTER 9
PENALTIES

Penalty clause

61. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 shall be guilty of an offence.

(2) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or she has been convicted of such offence shall be guilty of a continuing offence.

(3) Any person convicted of an offence under this By-law for which no penalty is expressly provided shall be liable to a fine or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both a fine and such imprisonment and, in the case of a continuing offence, to an additional fine or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both an additional fine and imprisonment for each day on which such offence is continued.

(4) Every person committing a breach of the provisions of this By-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

CHAPTER 10
REPEAL OF LAWS

Repeal of laws and savings

62. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained,

granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

63. This By-law shall be called the Electricity By-law, 2008

SCHEDULE 1

"applicable standard specification" means

SANS 1019 Standard voltages, currents and insulation levels for electricity supply;

SANS 1607 Electromechanical watt-hour meters;

SANS 1524 Parts 0,1 & 2 - Electricity dispensing systems;

SANS IEC 60211 Maximum demand indicators, Class1.0;

SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2);

SANS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service;

NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply; and

NRS 057 Electricity Metering: Minimum Requirements.

By-law No. 11, 2008

FIRE BRIGADE BY-LAW, 2008

BY-LAW

To provide for a fire brigade service in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

ARRANGEMENT OF SECTIONS

Definitions

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

"**approved**" means approved by the chief fire officer;

"**chief fire officer**" means the person appointed by the Municipality in terms of section 5(1) of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) as head of the service;

"**emergency situation**" means a situation or event which constitutes or may constitute a serious danger to life or property;

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**Municipality**" means the Thembelihle municipality;

"**occupier**" means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"**owner**" means an owner as defined in section 18(4) of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987);

"**service**" means the fire brigade service of the Municipality established in terms of section 3 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) and intended to be employed for –

(a) preventing the outbreak or spread of a fire;

(b) fighting or extinguishing a fire;

(c) the protection of life or property against a fire or other threatening danger;

(d) the rescue of life or property from a fire or other danger;

(e) subject to the provisions of any other law, the rendering of an ambulance service as an integral part of the fire brigade service; or

(f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e);

"**tariffs**" means the tariff of charges determined from time to time by Municipality; and

"**the Act**" means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987).

Composition of service

2. The service shall be comprised of –

(a) the fulltime members of the service, appointed by the Municipality in accordance with section 6 of the Act; and

(b) members of the fire brigade reserve force, appointed by the Municipality in accordance with section 6A of the Act, as temporary members of the service,

to perform such functions as may be assigned to them from time to time by the chief fire officer.

Duty to assist

3. Any member of the service or fire extinguishing organisation whether controlled by the Municipality or not, shall, when called upon to do so by the chief fire officer, render all assistance in his or her power in connection with the combating or containing of a fire or any other emergency situation.

Procedure on the outbreak of fire

4. (1) Where the service is notified, or there is reason to believe that a fire has broken out or another situation has occurred where the services of the service are required, the chief fire officer shall, together with such personnel and equipment as he or she may deem necessary, forthwith proceed to the place where the fire or other situation is taking place or is occurring, or to where he or she has reason to believe that it is taking place or is occurring.

(2) The chief fire officer may assume command of, or interfere with, or put a stop to any existing situation or any action being taken in connection with a fire by any

person not employed in the service, including the owner of the premises and his or her employee or agent and no person shall fail to comply with any lawful order or direction given by the chief fire officer in the execution of this subsection.

Obstruction or damage

5. (1) No person shall interfere with, or hinder any member of the service in the execution of his or her duties under this By-law.

(2) No person shall drive a vehicle over any hose, or damage, tamper or interfere with any such hose or any other appliance or apparatus of the service.

Wearing of uniform and insignia

6. (1) The chief fire officer and every member of the service shall wear the uniform, rank markings and insignia prescribed by Municipality.

(2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he or she is such a member, or in any other manner represent himself or herself to be a member of the service.

Combustible material

7. (1) Where the chief fire officer is of the opinion that any person –

(a) stores or causes or permits to be stored, whether inside or outside any building, any timber, crates, forage, straw or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to any building or any premises;

(b) in occupation or in control of any premises, permits grass, weeds, trees, or other vegetation to grow on the premises, or permits any waste to accumulate there in a manner or in quantities as to create a danger of fire to any building or premises,

the chief fire officer may, by notice in writing, request such person to remove the said combustible materials or to take such other reasonable steps to remove, by a specified date, the danger of fire as he or she may prescribe in such notice.

(2) Where there has been no compliance with the requirements of the notice, the chief fire officer may take such steps as he or she deems necessary to remove such danger and the cost thereof shall be paid to the Municipality by the person to whom the notice was directed.

Safety of premises and buildings

8. (1) The chief fire officer may, whenever he or she deems it necessary, at any time which in his or her opinion is reasonable in the circumstances –

(a) enter any land, premises or building and inspect –

(i) such land, premises or building to ascertain whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of

fire, or the creation of an emergency situation, or jeopardise or obstruct the escape of persons to safety;

(ii) any fire alarm, sprinkler system or other fire fighting or fire detecting appliance;

(iii) any manufacturing process involving the danger of fire or explosion;

(iv) the method of storing of any flammable gas, chemicals, oils, explosives, fireworks or any other hazardous substance; and

(v) any plant making use of the substances referred to in subparagraph (iv);

(b) give such directions as he or she may deem necessary for lowering the risk of fire or for the protection of life and property.

(2) Where the chief fire officer finds on any premises –

(a) any flammable, combustible or explosive matter so stored or used as to increase the risk of fire or danger to life or property in case of fire;

(b) any situation or practice existing, which in his or her opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to safety; or

(c) any defective, inferior or insufficient number of fire extinguishers,

he or she shall, subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to forthwith take such steps as he or she may deem necessary for the elimination of the danger.

(3) Should the chief fire officer find in any building or on any premises –

(a) any obstruction on or in any fire escape, staircase, passage, doorway or window; or

(b) any emergency exit which, in his or her opinion would, in the event of fire be inadequate for the escape to safety of the number of persons likely to be in such building or premises at any time; or

(c) any other object or condition of a structural nature or otherwise, which, in his or her opinion, may increase the risk of fire or the danger to life or property; or

(d) that a fire alarm or other communication system is required,

the chief fire officer shall notify the owner or occupier of such building, in writing, of his or her findings and require of him or her to take such steps as stated in such notice, at such owner's or occupier's own cost, to rectify the irregularity within such time as stated in the notice.

(4) Where the owner or occupier fails or refuses to comply within a reasonable time with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the

Municipality may take such steps as are, in the opinion of the chief fire officer, necessary to remove such risk or danger and the Municipality may recover from such owner or occupier any expenditure incurred.

Exits

9. Every door which affords an escape route from a public building to safety shall be kept unlocked and shall be clearly indicated with approved exit signs: Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

Gas filled devices

10. (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the chief fire officer, who may impose such conditions as he or she may require after having regard to all the circumstances of the case.

(2) No person shall keep, store, use or display or permit to be kept, used, stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.

(3) Nothing contained in this section shall be so construed as to prohibit the use of any balloon filled with hydrogen for meteorological or other *bona fide* scientific or educational purposes.

Making of fires

11. (1) No person shall make a fire, or cause or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.

(2) Subject to the provisions of any other law, no person shall, without the written permission of the chief fire officer, burn any rubbish, wood, straw or other material in the open air or cause or permit it to be done, except for the purpose of preparing food.

(3) Any permission granted in terms of subsection (2), shall be subject to the conditions imposed by the chief fire officer.

Fires in chimneys, flues and smoke ducts

12. No owner or occupier of any building shall allow shoot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a fire hazard.

Attendance of fireman

13. (1) If, at any function to be held at a place of entertainment or recreation, excluding the showing of a film at a cinema or a performance in a theatre, one hundred or more persons are likely to be present, the person convening such function shall deliver a notice, in writing, to the chief fire officer, not less than 48 hours before such function takes place, indicating the time when and premises on which such function is to take place.

(2) Where, in the opinion of the chief fire officer, the presence of a fireman is necessary on account of safety, he or she may provide one or more firemen to be in attendance at any premises during the whole or part of such function.

(3) The person in control of such function shall pay to the Municipality the charges set out in the tariffs.

Removal of liquid or other substances

14. The chief fire officer may, at the request of the owner or occupier of any premises, pump or otherwise remove any liquid or other substance from such premises, subject to payment of the fees set out in the tariffs.

Payment for attendance and service

15. (1) Subject to the provisions of section 16, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, wherefore or in connection with which the attendance or the service was requested or any service was rendered, shall pay to the Municipality the charges determined by the chief fire officer, to be due in accordance with the charges set out in the tariffs for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

(2) Notwithstanding the provisions of subsection (1), the chief fire officer may access the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than ninety percent lower than the aggregate of the charges which would be payable in terms subsection (1): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to –

(a) the fact that the amount so assessed, shall be commensurate with the service rendered;

(b) the manner and place of origin of the fire; and

(c) the loss which may have been caused by the fire to the person liable to pay the charges if the services had not been rendered.

Exemption from payment of charges

16. Notwithstanding the provisions of section 15, no charges shall be payable where –

(a) a false alarm has been given in good faith;

(b) the service was required as a result of civil commotion, riot or natural disaster;

(c) the service was rendered in the interest of public safety;

(d) the chief fire officer is of the opinion that the service rendered was of a purely humanitarian nature or was rendered solely for the saving of a life;

(e) the owner of a vehicle furnishes proof to the satisfaction of the chief fire officer that such vehicle was stolen and that it had not been recovered by him or her at the time when the service was rendered in respect thereof;

(f) any person, including the State, has entered into an agreement with the Municipality in terms of section 12 of the Act, whereby the services of the service are made available to such person against payment as determined in such agreement.

False information

17. No person shall wilfully give to any member of the service any notice, or furnish any information regarding an outbreak of fire, or any other emergency situation requiring the attendance of the service, and which, to his or her knowledge, is false or inaccurate, and such person shall, notwithstanding the provisions of section 16, be liable to pay the turning out charges as prescribed in the tariffs.

Telephones, fire alarms and other apparatus

18. (1) The Municipality may affix to, or remove from any building, wall, fence or other structure any telephone, fire alarm, or other apparatus for the transmission of calls relating to fire, as well as any notice indicating the nearest fire hydrant or other fire fighting equipment.

(2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

Penalty clause

19. Any person who contravenes or fails to comply with any provision of this By-law, shall be guilty of an offence and liable on conviction to a fine or, in default of the payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

Repeal of laws and savings

20. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

21. This By-law shall be called the Fire Brigade By-law, 2008

By-law No. 12, 2008

REFUSE REMOVAL BY-LAW, 2008

BY-LAW

To provide for a refuse removal service in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

ARRANGEMENT OF SECTIONS

CHAPTER 7
GENERAL PROVISIONS

CHAPTER 8
TARIFF CHARGES, PENALTIES AND REPEAL OF LAWS

CHAPTER 1
SERVICE FOR THE REMOVAL OF REFUSE

Definitions

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

"**bin**" means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality. The bin may be constructed of galvanised iron, rubber or polythene;

"**bin liner**" means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density minimum 40 micrometer diameter or 20 micrometer diameter high density;

"**builders refuse**" means refuse generated by demolition, excavation or building activities on premises;

"**bulky garden refuse**" means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other grade refuse of quantities more than 2 cubic meters;

"**bulky refuse**" means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

"**business refuse**" means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

"**domestic refuse**" means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

"**garden refuse**" means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;

"**Municipality**" means the Thembelihle municipality;

"**occupier**" means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

"**owner**" means –

(a) the person in whom from time to time is vested the legal title to the premises;

(b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;

(c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;

(d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

(e) in relation to –

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or

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

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

(i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;

(ii) any Department of State;

(iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;

(iv) any embassy or other foreign entity;

"**public place**" means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has –

(a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used without interruption by the public for a period of at least 30 years expiring after 31 December 1959; or

(d) at any time been declared or rendered as such by the Municipality or other competent authority;

"**special industrial refuse**" means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality's By-laws may not be discharged into a drain or sewer; and

"**tariff**" means the tariff of charges as determined from time to time by the Municipality.

Removal of refuse

2. (1) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.

(2) The occupier of the premises on which business or domestic refuse is generated, shall avail himself or herself of the Municipality's service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.

(3) The owner of the premises on which business or domestic refuse is generated, shall be liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

Notice to the Municipality

3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Municipality –

(a) that the premises is being occupied;

(b) whether business refuse or domestic refuse is being generated on the premises.

Provision of refuse bins or container units

4. (1) The Municipality shall determine the type and number of containers required on a premises.

(2) If a container is supplied by the Municipality, such container shall be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;

(3) If required by the Municipality, the owner of a premises shall be responsible for the supply of a pre-determined number and type of containers.

(4) The Municipality may supply container units to a premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality's refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins: Provided that container units shall not be

supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality's refuse collection vehicles for container units.

Positioning of refuse bins, container units, etc.

5. (1) The owner of the premises shall provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).

(2) The space provided in terms of subsection (1) shall –

(a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;

(b) where domestic refuse is generated on the premises –

(i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;

(ii) be not more than 20 m from the entrance to the premises, used by the Municipality's employees;

(c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;

(d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle: Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this By-law.

(3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises shall place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and shall at all times keep them there.

(4) Notwithstanding anything to the contrary in subsection (3) contained –

(a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-law; and

(b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1),

the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins shall be placed for the collection and removal of such refuse and such refuse bins shall then be placed in such position at such times and for such periods as the Municipality may determine.

Use and care of containers and bin liners

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises shall ensure that –

(a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality: Provided that the provisions of this subsection shall not prevent any occupier or owner, as the case may be –

(i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;

(ii) from utilising such domestic refuse as may be suitable for making compost;

(b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;

(c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;

(d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;

(e) no person deposits refuse in any other place than in the containers provided for that purpose.

(2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.

(3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.

(4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, shall be liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as may be caused by the employees of the Municipality.

(5) Plastic bin liners with domestic or garden refuse, or both, shall be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.

CHAPTER 2
COMPACTION OF REFUSE

Compaction of refuse

7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse.

(2) The capacity of the plastic, paper of other disposable container referred to in subsection (1) shall not exceed 0,1 cubic meters.

(3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic, paper or other disposable container, such container shall be placed in a container or container unit.

(4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.

(5) "Approved" for the purpose of subsection (1), shall mean approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.

(6) The containers mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.

(7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.

(8) The Municipality shall remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.

(9) The provisions of this section shall not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3
GARDEN REFUSE, BULKY GARDEN REFUSE AND OTHER BULKY REFUSE

Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse

8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.

(2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.

(3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, shall be disposed of on a site designated by the Municipality as a disposal site for such refuse.

The Municipality's special service

9. At the request of the owner or any occupier of any premises, the Municipality shall remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse shall be placed within 3 m of the boundary loading point, but not on the sidewalk.

Responsibility for builders refuse

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity, which causes such refuse to be generated, shall ensure that –

(a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;

(b) until such time as builders refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.

(2) Any person may operate a builders refuse removal service. Should the Municipality provide such a service, it shall be done at the prescribed tariff.

Containers

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse of other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.

(2) Any consent given in terms of subsection (1), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to the convenience and safety of the public.

(3) Every container or other receptacle used for the removal of builders refuse shall

(a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;

(b) be fitted with reflecting chevrons or reflectors, which shall completely outline the front and the back thereof; and

(c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

Disposal of builders refuse

12. (1) Subject to the provisions of subsection (2), all builders refuse shall be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefor.

(2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.

(3) Any consent given in terms of subsection (2), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to –

(a) the safety of the public;

(b) the environment of the proposed disposal site;

(c) the suitability of the area, including the drainage thereof;

(d) the expected manner and times of depositing of refuse at the site;

(e) the levelling of the site;

(f) the control of dust; and

(g) any other relevant factors.

CHAPTER 4
SPECIAL INDUSTRIAL REFUSE

Notification of generation of special industrial refuse

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, shall inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.

(2) If so required by the Municipality, the notification referred to in subsection (1), shall be substantiated by an analysis certified by a qualified industrial chemist.

(3) Subject to the provisions of this By-law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

(4) The person mentioned in subsection (1), shall notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

Storing of special industrial refuse

14. (1) The person referred to in section 13(1), shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2), until it is removed from the premises in terms of section 15.

(2) Special industrial refuse stored on premises, shall be stored in such a manner that it does not become a nuisance or pollute the environment.

(3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

Removal of special industrial refuse

15. (1) No person shall remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.

(2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to –

(a) the composition of the special industrial refuse;

(b) the suitability of the vehicle and container to be used;

(c) the place where the refuse shall be dumped; and

(d) proof to the Municipality of such dumping.

(3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.

(4) The person referred to in subsection 13(1), shall inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.

(5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the refuse removed by him or her as directed by the Municipality.

CHAPTER 5
DISPOSAL SITES

Conduct at disposal sites

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality shall –

(a) enter the disposal site only at an authorised access point;

(b) give the Municipality all the particulars required in regard to the composition of the refuse; and

(c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.

(2) No person shall bring intoxicating liquor onto a disposal site controlled by the Municipality.

(3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-law and then only at such times as the Municipality may from time to time determine.

Ownership of refuse

17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.

(2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

CHAPTER 6
LITTERING, DUMPING AND ANCILLARY MATTERS

Littering and dumping

18. No person shall –

(a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;

(b) sweep any refuse into a gutter on a public place; or

(c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).

Abandoned things

19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to –

(a) the place where it was left;
(b) the period that it was left; and
(c) its nature and condition,

be regarded as abandoned, may be removed and disposed of by the Municipality.

(2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.

(3) For the purpose of subsection (1), a shop trolley shall be deemed not to be a vehicle.

CHAPTER 7
GENERAL PROVISIONS

Access to premises

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.

(2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

Accumulation of refuse

21. If any category of refuse defined in Chapter 1 of this By-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefor.

CHAPTER 8
TARIFF CHARGES, PENALTIES AND REPEAL OF LAWS

Charges

22. (1) Save where otherwise provided in this By-law, the person to whom any service mentioned in this By-law has been rendered by the Municipality, shall be liable to the Municipality for the tariff charge in respect thereof.

(2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, shall only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

(3) Monthly tariff charges shall be payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

Penalty clause

23. Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

Repeal of laws and savings

24. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

25. This By-law shall be called the Refuse Removal By-law, 2008

By-law No. 13, 2008

CARAVAN PARKS BY-LAW, 2008

BY-LAW

To provide for the establishment of caravan parks in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**caravan**" means any vehicle fitter out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer and shall include its towing vehicle;

"**caravan park**" means a caravan park established or deemed to be established under section 2;

"**caretaker**" means an officer appointed by the Municipality in terms of section 3 as caretaker of a caravan park;

"**Municipality**" means the Thembelihle municipality;

"**municipal land**" means land situated inside the area of jurisdiction of the Municipality of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality; and

"**site**" means the land set aside within a caravan park for –

(i) the parking of a caravan; or

(ii) the pitching of a tent and the parking of the vehicle of its inhabitants.

Establishment of caravan parks

2. (1) The Municipality may on municipal land establish, maintain and administer caravan parks.

(2) Any caravan park situated on municipal land, administered by the Municipality when this By-law comes into operation, shall, for all purposes, be deemed to have been established in accordance with subsection (1).

(3) The Municipality shall divide a caravan park into sites and provide the necessary ablution and other facilities that may be needed by visitors.

Appointment of caretaker and other officers

3. (1) The Municipality shall appoint a caretaker and such other officers as may be necessary for the administration of each caravan park.

(2) The caretaker appointed for a caravan park in term of subsection (1), shall be responsible for –

(a) collecting the charges for the use of the caravan park and its facilities as determined by the Municipality;

(b) the upkeep of the ablution and other facilities of the caravan park;

(c) making reservations for visitors who wish to make bookings in advance;

(d) the allocation of sites to visitors; and

(e) any other matter connected with the day-to-day administration of the caravan park.

Charges

4. The charges for the use of the caravan park shall be determined by the Municipality. Such charges shall be payable to the caretaker in advance, and a receipt therefor shall be issued by him or her.

Permission to stay longer than 30 days

5. Any person desiring to stay at the caravan park for a period of more than 30 days shall apply in writing to the Municipality for permission to do so.

Rules to be observed by users of caravan parks

6. (1) No person shall –

(i) park a caravan or pitch a tent in a caravan park, except on a site allocated to him or her by the caretaker;

(ii) damage or climb over or through any wire fences or any other fences within or enclosing the caravan park;

(iii) kindle a fire in a caravan park, except in the grates provided for the purpose;

(iv) create any disturbance, nuisance, impediment or hindrance, which may be offensive to any other person within the caravan park;

(v) keep any pet or other animal in a caravan park, except a dog and then only on condition that it is kept on a leash at all times;

(vi) wash or hang out to dry any article of clothing elsewhere in the caravan park than in the area provided therefor;

(vii) dispose of refuse elsewhere in a caravan park than in the refuse bins provided for such purpose;

(viii) damage, destroy or deface any natural object or remove from the caravan park any flora, fauna, nest, object of historical, archaeological or scientific interest or any property therein belonging to the Municipality.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) –

(a) may be directed by the caretaker to leave the caravan park forthwith; and

(b) may be prohibited by the Municipality from entering and using the facilities of the caravan park for a specified period of time or, in a case of severe or continuous contravention, permanently.

Repeal of laws and savings

7. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

8. This By-law shall be called the Caravan Parks By-law, 2008

By-law No. 14, 2008

SWIMMING POOL BY-LAW, 2008

BY-LAW

To provide for the establishment of municipal swimming pools in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**Municipality**" means the Thembelihle municipality;

"**municipal land**" means land situated inside the area of jurisdiction of the Municipality, of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality;

"**municipal swimming pool**" means a swimming pool established or deemed to be established under section 2;

"**rules**" means rules made in terms of section 5(1); and

"**superintendent**" means the officer appointed by the Municipality in terms of section 3(1).

Establishment of municipal swimming pools

2. (1) The Municipality may, on municipal land, establish, maintain and administer municipal swimming pools.

(2) Any swimming pool situated on municipal land already administered by the Municipality when this By-law comes into operation, shall for all purposes, be deemed to have been established in accordance with subsection (1).

(3) The Municipality shall provide dressing rooms, toilets and other facilities for visitors at a municipal swimming pool.

Appointment of superintendent

3. (1) The Municipality shall, for each municipal swimming pool, appoint a superintendent.

(2) The superintendent appointed in terms of subsection (1), shall be responsible –

(a) for the proper and hygienic upkeep of the swimming pool and its facilities;

(b) for the introduction and upkeep of adequate safety measures at the swimming pool;

(c) for collecting the fees to be paid by a visitor to the swimming pool;

(d) to ensure that the rules are adhered to; and

(e) to deal with the day-to-day administration of the swimming pool and with matters incidental thereto.

Fees

4. The Municipality may levy fees to be paid by a visitor to a municipal swimming pool.

Rules to be observed by visitors to municipal swimming pools

5. (1) The Municipality may make rules to be observed by a visitor to a municipal swimming pool.

(2) Rules made in terms of subsection (1), may provide for matters regarding the safety and general conduct of visitors to a municipal swimming pool.

(3) A copy of the rules applicable at a municipal swimming pool must be displayed in bold lettering on a sign board posted both at the entrance and on the inside of the municipal swimming pool.

(4) Any visitor to a municipal swimming pool who contravenes or fails to comply with a rule to be observed at that swimming pool –

(a) may be directed by the superintendent to leave the swimming pool forthwith;

(b) may be prohibited by the Municipality from entering the swimming pool for a specified period of time or, in case of severe or continuous contravention, permanently.

Repeal of laws and savings

6. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

7. This By-law shall be called the Swimming Pool By-law, 2008

By-law No. 15, 2008

MUNICIPAL COMMONAGE BY-LAW, 2008

BY-LAW

To provide for a municipal commonage for the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

"**Municipality**" means the Thembelihle municipality;

"**municipal land**" means land situated inside the area of jurisdiction of the Municipality, but outside the boundaries of any township, of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality;

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**this By-law**" includes the prescripts issued in terms of section 7; and

"**township**" a township as defined in section 1 of the Land Survey Act, 1997 (Act No. 8 of 1997).

Reservation of land as common pasture

2. (1) The Municipality may, subject to the provisions of any law or any restriction regarding the use of land in the title deed of that land, by notice in the *Provincial Gazette* and with effect from a date mentioned in the notice –

(a) reserve as common pasture municipal land;

(b) at any time add any additional defined piece or pieces of municipal land to the common pasture so reserved; and

(c) subject to the provisions of subsection (2), at any time, withdraw partly or wholly any land which forms part of the common pasture, from the reservation thereof as such pasture.

(2) The Municipality shall not alienate or deal with the land referred to in subsection (1)(a) or (b) under subsection (1)(c) except –

(a) after a notice in the *Provincial Gazette* –

(i) stipulating which piece or pieces of land it intends to withdraw or alienate;

(ii) calling on interested persons to attend a meeting at a venue and on a date mentioned in the notice, to discuss the intended withdrawal or alienation;

(iii) stating the intended date or dates of withdrawal or alienation of any such piece or pieces of land; and

(b) after the lapse of any permit for grazing of stock on the piece or pieces of land it intends to withdraw or alienate.

Office of the Commonage Manager

3. (1) The Municipality shall appoint a person as Commonage Manager, who shall report directly to the Municipal Manager.

(2) The Commonage Manager shall be responsible for the proper management and maintenance of all land forming part of the commonage.

(3) In the Office of the Commonage Manager, the Municipality shall appoint –

(a) for each piece of land forming part of the commonage, a ranger who shall deal with the day-to-day administration of that piece of land;

(b) such persons as may be necessary to maintain proper records regarding land forming part of the commonage, maps, camps, allocation of stock, movement of stock, holders of grazing permits on the commonage, marking of stock, stock disease, payments and other matters regarding the administration of the commonage;

(c) a veterinary surgeon on a full time or part time basis, to fulfil the functions prescribed by or under any law relating to stock.

(4) A single ranger may be appointed for more than one piece of land if the pieces of land are so situated that it is practically possible for one ranger to maintain proper control over each of the pieces of land.

(5) A ranger shall visit the land for which he or she is appointed on a regular basis and shall, subject to the labour legislation relating to leave, be present on the land for at least one full working day during each week of the year.

(6) The veterinary surgeon appointed by the Municipality, shall on a regular basis, but at least once every three months, do an inspection on, report on and make recommendations to the Commonage Manager regarding the state of health of each animal on the commonage.

Grazing permit required to graze stock on common pasture

4. No person shall graze stock on the common pasture of the Municipality, unless –

(a) he or she is the holder of a grazing permit issued by the Municipality and subject to the conditions of such permit;

(b) the animal is the progeny of a female animal grazed in terms of a grazing permit contemplated in paragraph (a) and is not older than 6 months; and

(c) he or she has paid the commonage fees, determined by the Municipality, in respect of the period for which the grazing permit was issued: Provided that a permit holder may partly or wholly be exempted of such payment in terms of the indigent policy of the Municipality.

Application for and issue of grazing permit

5. (1) Any application for the issue of a grazing permit shall –

(a) be directed to the Municipal Manager;

(b) be in writing on the form made available by the Municipality for that purpose;

(c) contain adequate proof that the applicant is a permanent resident within the area of jurisdiction of the Municipality; and

(d) contain such further particulars as the Municipality may require.

(2) On receipt of the application, the Municipal Manager shall refer it to the Commonage Manager, who shall verify the particulars contained in the application and report thereon to the Municipal Manager.

(3) When considering the application, the Municipal Manager shall take into account

(a) the report of the Commonage Manager;

(b) the availability and condition of land in the common pasture of the Municipality to accommodate the required number of stock for which application is made;

(c) the criterions for categories of preference that applicants shall take as set out in a notice by the Municipality in the *Provincial Gazette*.

(4) After consideration of the application, the Municipal Manager shall –

(a) issue the permit as applied for by the applicant;

(b) issue a permit for a lessor number of stock than applied for; or

(c) in writing notify the applicant that his or her application was not successful and state the reasons therefor.

(5) A person whose rights are affected may appeal to the Municipality against a finding of the Municipal Manager and, in respect of such appeal, the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.

(6) A permit for the grazing of stock on the municipal common pasture is issued –

(a) for a period of one year or less and shall lapse on the last day of June of each year;

(b) subject to the conditions set out in the permit;

(c) subject to prior payment of the fees determined by the Municipality.

(7) A permit for the grazing of stock on the municipal common pasture may be renewed twice without submitting a new application by paying the renewal fees determined by the Municipality no later than the last day of May of the year in

which the permit lapses: Provided that the Municipal Manager may refuse to renew the permit if he or she is of the opinion that –

(a) due to the condition of the land to which the permit holder's stock is allocated, the permit should not be renewed; or

(b) there is sufficient evidence that the circumstances of the permit holder have changed to such an extent that the application of any new applicant must take preference in terms of a notice referred to in subsection (3)(c).

(8) A permit for the grazing of stock on the municipal common pasture may be withdrawn by the Municipality if the holder of the permit contravenes or fails to comply with –

(a) a condition subject to which the permit was issued;

(b) any provision of this By-law; or

(c) a lawful direction by the ranger in charge of the land on which his or her stock is grazed or of the veterinary surgeon appointed by the Municipality.

(9) A permit to graze stock on the common pasture of the Municipality may not be transferred.

Specific tasks of the Commonage Manager

6. The Commonage Manager shall –

(a) divide each piece of land reserved as common pasture in terms of section 2(1) in camps suitable for the grazing of stock and allocate a number to each camp;

(b) provide, in each camp, such facilities as may be necessary for the maintenance of stock in that camp;

(c) draft, or cause to be drafted, proper maps of each piece of land reserved as part of the common pasture, indicating at least the boundaries of camps, gates and waterholes;

(d) allocate the stock of each permit holder to a specific camp or camps and notify such permit holder accordingly;

(e) develop, implement and adjust according to changing circumstances, a proper program of rotation of grazing on land reserved as common pasture by the Municipality; and

(f) keep proper records, open for inspection by any person who has an interest therein, regarding –

(i) all permit holders;

(ii) dates of expiry of all permits;

(iii) payments or exemptions of payment of all permit holders,

and any other matter which, in his or her opinion, needs to be recorded.

Prescripts

7. (1) The Municipality may issue prescripts relating to the control, management and use of the municipal common pasture, including –

(a) the construction and maintenance of dipping tanks, the moneys payable in connection with the use thereof, and the persons responsible for the payment thereof;

(b) the marking of stock kept thereon;

(c) the prohibition of the keeping of dangerous and undesirable animals thereon, and the definition of such animals;

(d) the prevention and treatment of stock diseases in respect of stock kept thereon, and the exclusion of stock which in the opinion of the veterinary surgeon appointed by the Municipality may spread such diseases;

(e) the destruction of carcasses of animals;

(f) the impounding of animals trespassing thereon or grazed thereon without a permit;

(g) the planting, care and protection, and the destruction, chopping or cutting off of grass, trees, shrubs or any other plants or crop, and the sale thereof;

(h) the burning of grass and the eradication of noxious weeds;

(i) the hunting of game thereon by any means, including the use of firearms or dogs;

(j) the duties and functions of rangers;

(k) the prohibition to put out poison; and

(l) generally, any matter which the Municipality deems necessary or expedient in connection with the control, management or use of the common pasture or the achievement of the objects of this By-law.

(2) Any prescript issued in terms of subsection (1) must be published in the *Provincial Gazette*.

(3) If the Municipality is of the opinion that it is in the public interest, it may, for such period and subject to such conditions as it may deem fit, exempt any person, group or category of persons in writing from compliance with any prescripts issued in terms of subsection (1).

Penalty clause

8. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

9. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

10. This By-law shall be called the Municipal Commonage By-law, 2008

By-law No. 16, 2008

FIREWORKS BY-LAW, 2008

BY-LAW

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

1. In this By-law, unless the context otherwise indicates -

"**developed area**" means that portion of the area of jurisdiction of the Municipality which

(a) has by actual survey been subdivided into erven;

(b) is surrounded by surveyed erven; or

(c) is an informal settlement;

"**firework**" means a firework composition or a manufactured firework referred to in Division 1 or 2 of regulation 1.10 of the regulations issued in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and published by Government Notice No. R1604 of 8 September 1972, as amended;

"**fireworks display**" means the discharge of a number of fireworks for religious, public or private purposes;

"**Municipality**" means the Thembelihle municipality; and

"**Municipal Manager**" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

Discharge of fireworks inside or near developed areas regulated

2. Except as part of a fireworks display and subject to this By-law, no person may, inside a developed area or within 500 metres of such area, discharge a firework.

Permission to hold fireworks display

3. (1) No person may, without the prior written permission of the Municipality, hold a fireworks display.

(2) Any person or group of persons who wants to hold a fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.

(3) An application referred to in subsection (2) must –

(a) be directed to the Municipal Manager; and

(b) be accompanied by the fees determined by the Municipality.

(4) After receipt of the application, the Municipal Manager may –

(a) inspect, or cause to be inspected –

(i) the premises on which the fireworks display is to be held; and

(ii) the facilities and equipment to be used during the fireworks display; and

(b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or

(c) in writing, refuse to grant permission and state his or her reasons for such refusal.

(5) The Municipal Manager must –

(a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on –

(i) the safety of the inhabitants of the neighbourhood and their property;

(ii) animals in the vicinity;

(iii) the serenity of the neighbourhood; and

(b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

Penalty clause

4. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

5. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

6. This By-law shall be called the Fireworks By-law, 2008

By-law No. 17, 2008

STANDING ORDERS, 2008

BY-LAW

To provide for standing orders for the dispatch of business by the Council of the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**Act**" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"**budget**" means the estimate of the revenue and expenditure of the Council drawn up and presented by the Executive Committee in terms of national legislation;

"**chairperson of the Executive Committee**" means the Mayor;

"**Council**" means the Thembelihle Local Municipal Council;

"**Executive Committee**" means the committee as contemplated in section 42 of the Act;

"**Mayor**" means the person presiding at Executive Committee meetings as contemplated in section 49 of the Act;

"**meeting**" means a meeting of the Council or the Executive Committee, as the case may be;

"**member**" means a member of the Council or the Executive Committee, as the case may be;

"**motion**" means a motion introduced in writing in terms of section 21 or 50;

"**Municipality**" means the Thembelihle municipality;

"**Municipal Manager**" means a person appointed in terms of section 82 of the Act;

"**proposal**" means any proposal with the exception of a motion, moved and seconded during a meeting of the Council or a committee thereof; and

"**Speaker**" means the Speaker of the Council as contemplated in sections 36 and 37 of the Act; and

"**Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

Removal of persons from Council chamber

2. The Speaker may, subject to section 160(7) of the Constitution, at any time during a meeting, if for the maintenance of order he or she deems it necessary, direct the removal of any person other than a member from the Council chamber.

Signing of attendance register and wearing of robe during meetings

3. Every member attending a meeting shall –

(a) sign his or her name in the attendance registers; and

(b) wear a robe, if the Council so resolves, which robe is provided for that purpose.

Adjournment in event of no quorum

4. If at the expiration of fifteen minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may at any time after the expiry of the ten minutes aforesaid, by a majority of votes, request the Municipal Manager to convene a meeting at a convenient date and time, notice of which shall be given as provided for in section 115 of the Systems Act, and the provisions of section 7 shall apply *mutatis mutandis* to such meeting.

Count out of members

5. If during any meeting, the attention of the Speaker is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the Speaker shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there is no quorum, the meeting shall be considered adjourned until a time to be determined by the Municipal Manager.

Notice of adjourned meeting

6. When a meeting is adjourned, notice of the adjourned meeting shall be served as provided for in section 115 of the Systems Act unless a proposal fixing the date and hour of such an adjourned meeting is adopted by at least three quarters of the members present (fractions to be reduced to the nearest number).

Adjourned meeting

7. Subject to the provisions of section 8, no business shall be transacted at an adjourned meeting, except such as specified in the notice of the meeting which is adjourned.

Business limited by notice

8. Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the Executive Committee.

Order of business of meeting

9. (1) The order of business of an ordinary meeting shall be as follows:

(a) Opening;
(b) Acceptance of notice of the meeting as read;
(c) Applications for leave of absence;
(d) Official notices –

(i) by the Speaker;
(ii) by members;
(iii) by the Municipal Manager;

(e) Speaker's unopposed proposals;
(f) Confirmation of minutes of previous meeting;
(g) Questions of which notice has been given;
(h) Motions or proposals referred from previous meetings;
(i) Report of the Executive Committee;
(j) New motions;
(k) Petitions;
(l) Closure.

(2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

Minutes of meeting

10. (1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation: Provided a copy thereof has been served on each member in the manner as provided for in section 115 of the Systems Act.

(2) No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

Questions by members

11. (1) A member may put a question at a meeting –

(a) on a matter arising out of or connected with any item of a report of the Executive Committee when such item has been called or during discussion thereon;

(b) concerning the general work of the Council not arising out of or connected with any item of a report of the Executive Committee: Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the chairperson of the Executive Committee.

(2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall

immediately furnish a copy thereof to the Speaker and the chairperson of the Executive Committee.

(3) Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the Executive Committee.

(4) After a member's question has been replied to, he or she may ask for elucidation thereof and the question whether it has been decisively or fully replied to shall not be debated, except with the consent of the Speaker.

(5) The Speaker may disallow a question if he or she is of the opinion that it is out of order or not put clearly.

Reporting to the Executive Committee

12. (1) A report of a head of department shall be directed to the Municipal Manager who must submit it to the Executive Committee.

(2) The Municipal Manager may refer a report back to a head of department for factual amendment or amplification and he or she may, if he or she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection (1).

Composition of a report of the Executive Committee

13. (1) A report submitted by the Executive Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "first part") and thereafter those matters which have been delegated to –

(a) the Executive Committee; and
(b) committees contemplated in section 79 of the Act.

(2) Unless any item is submitted to the Council for information only, every item of the first part shall contain a recommendation which may be adopted by the Council.

Report shall be delivered

14. A report of the Executive Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act.

Submission on report

15. (1) The chairperson of the Executive Committee or member called upon by him or her to do so, shall submit a report of the Executive Committee, and in doing so, shall move:

"that the report be considered".

(2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the Speaker shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he or she sees fit to vary the order.

(3) When a recommendation referred to in subsection (2) is accepted, it shall become a resolution of the Council.

(4) At the conclusion of the first part of the report referred to in subsection (2), the Speaker shall permit discussion of the ensuing parts of the report: Provided that

(a) such discussion shall be limited to –

(i) one hour in respect of the matters contemplated in section 13(1)(a); and

(ii) 30 minutes per part in respect of the matters contemplated in section 13(1)(b);

(b) a member, excluding the chairperson of the Executive Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;

(c) during such discussion, no other proposal shall be submitted, except a proposal that the Executive Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;

(d) a member may during such discussion request that his or her opposition to any resolution in such ensuing part, and the reason therefor, be recorded, whereupon the Municipal Manager shall record or have such opposition recorded.

Recommendations of Executive Committee shall be regarded as proposals

16. It shall be deemed that the member who has made a proposal in terms of section 15, moves each recommendation contained in the report and that such proposal has been seconded.

Withdrawal or amendment of recommendation

17. The member who has made a proposal in terms of section 15, may withdraw or amend any recommendation contained in a report with the consent of the Council.

Reply to debate

18. (1) The chairperson of the Executive Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the Executive Committee, without introducing new matters.

(2) Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the Executive Committee or during the discussion of such a report.

Deputation

19. (1) (a) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.

(b) The Municipal Manager shall place the memorandum before the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it: Provided that the Executive Committee may dispense with the necessity of submitting a memorandum.

(c) If the Executive Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.

(2) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak, except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

Petition

20. A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the Executive Committee who shall report to Council thereon.

Form of giving notice of motion

21. (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.

(2) A motion shall be given to the Municipal Manager, who shall enter it in a book to be kept for this purpose, which book shall be open to the inspection of members. The Municipal Manager shall without delay furnish each member with a copy of the motion.

(3) At the request of the member who gave notice of the motion, the Municipal Manager shall acknowledge receipt thereof in writing.

(4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.

(5) Every motion shall be relevant to some question relating to the administration or conditions in the Municipality.

(6) The member who introduces a motion may reply: Provided that when a proposal in terms of section 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

Order of motions

22. Every motion shall on receipt be dated and numbered and shall be entered by the Municipal Manager to the agenda in the order in which it is received, except in the case of notice of an amendment, which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

Limitation of notices

23. No member shall have more than one motion other than a deferred motion on the agenda paper and no member shall move more than six motions, which includes a motion contemplated in section 50(1), in any year.

Motion to rescind any resolution passed within the preceding three months

24. (1) When a member proposes a motion in terms of the provisions of section 21 which –

(a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months; or

(b) has the same purport as a motion which has been negatived within the preceding three months,

such motion shall be placed on the agenda only if the notice of such a motion is signed by three members in addition to the member who proposes such motion.

(2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.

(3) Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Executive Committee contained in a report in accordance with section 15.

Procedure in respect of putting of motions

25. (1) When motions come up for discussion, the Speaker shall read out the number of each motion and the name of the mover and shall ascertain which motions are unopposed.

(2) An unopposed motion shall be carried immediately and without discussion.

(3) If there is an opposed motion, the Speaker shall call for a seconder and he or she shall thereafter in turn put each such seconded motion.

(4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconder has spoken.

(5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

Irregular motions or proposals

26. The Speaker shall disallow a motion or proposal –

(a) which in his or her opinion –

(i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the Municipality; or

(ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;

(b) in respect of which –

(i) the Council has no jurisdiction; or

(ii) a decision by a judicial or *quasi*-judicial body is pending; or

(c) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

Matter serves before Council by way of proposal

27. (1) Subject to the provisions of sections 15(2) and 16, a matter shall not be deemed to be put to the Council for a decision, unless a proposal on such matter has been made and duly seconded.

(2) The provisions of section 25(4) shall apply *mutatis mutandis* to a member seconding a proposal.

Provisions relating to the consideration of the budget

28. Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:

(a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put before the debate on the budget has been closed.

(b) After the debate on the budget has been closed the Speaker shall put every proposal contemplated in paragraph (a) seriatim.

(c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the Speaker, unless the chairperson of the Executive Committee or a member of that committee designated by him or her, decides that such postponement is not necessary.

(d) If, in terms of paragraph (c), it is decided that a postponement of the meeting is not necessary, the budget shall be deemed to have been amended in accordance with a resolution contemplated in that paragraph.

(e) After a postponement contemplated in paragraph (c), the Executive Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting.

(f) After the Executive Committee has reported in terms of paragraph (e), the Speaker shall –

(i) allow a debate thereon;

(ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

Referral to Executive Committee of proposal affecting budget

29. A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be accepted before the Executive Committee has reported thereon.

Referral to the Executive Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act

30. A motion or proposal, other than a recommendation of the Executive Committee, affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee to report and make a recommendation thereon.

Withdrawal or amendment of motion or proposal

31. (1) A mover may, with the Council's permission, withdraw or amend a motion or proposal, and only the mover shall be allowed to explain his or her request for such permission.

(2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

Addressing the meeting

32. A member may sit when speaking and shall address the Speaker.

Precedence of Speaker

33. Whenever the Speaker speaks, any member then speaking or offering to speak shall sit down, if standing, and the members are to be silent so that the Speaker may be heard without interruption.

Length of speeches

34. (1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes: Provided that –

(a) a member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his or her motion; and

(b) the Council may permit a speech to be continued for a further period or periods of 5 minutes.

(2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the Executive Committee in relation to any matter arising from a report.

(3) A member participating in any debate may, during the course of his or her speech, refer to notes, but he or she shall not be permitted to read his or her speech. The Speaker may require a member reading his or her speech to discontinue his or her speech.

(4) The provisions of this section shall not apply to –

(a) the chairperson of the Executive Committee, when he or she presents the budget and opens the debate thereon;

(b) the chairperson of the Executive Committee, when he or she or a member of that committee designated by him or her, delivers the budget

speech, or replies to the debate in connection with the consideration of the budget;

(c) the chairperson of the Executive Committee, when he or she closes the debate in connection with the consideration of the budget; and

(d) the person, who in terms of section 18(1), replies to and closes the debate contemplated in that section.

Relevance

35. (1) A member who speaks, shall direct his or her speech strictly to the matter under discussion or to an explanation or to a point of order.

(2) The Speaker shall not allow a discussion –

(a) which will anticipate any matter on the agenda; or

(b) on any matter in respect of which a decision by a judicial or *quasi*-judicial body is pending.

Irrelevance, repetition and breach of order

36. (1) If, in the opinion of the Speaker, a member –

(a) does not abide by the provisions of section 35(1) or is guilty of irrelevance or tedious repetition while he or she addresses the Council, the Speaker may direct him or her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;

(b) endeavours a discussion in breach of section 35(2), the Speaker shall direct him or her to cease that discussion;

(c) while he or she is in the Council chamber and irrespective of whether he or she addresses the Council –

(i) uses offensive or unbecoming language;

(ii) makes an incriminating, libelous or derogatory remark, allegation or insinuation in respect of another member or person;

(iii) breaches the order or disregards the authority of the Speaker; or

(iv) is improperly dressed,

the Speaker shall direct such member to cease or remedy such conduct immediately.

(2) If a member fails to comply with a direction contemplated is subsection (1), the Speaker may –

(a) in a case contemplated in subsection (1)(a) or (b), direct the member concerned to discontinue his or her speech; or

(b) in a case contemplated in subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

Chairperson may have member removed

37. (1) Should any member fail to comply with a direction given in terms of section 36(2)(a) or (b), the Speaker may call upon an officer to remove the member and to take steps to ensure that the member does not return to the meeting.

(2) Section 36(1)(c), 36(2) and subsection (1) shall *mutatis mutandis* be applicable to a member of the public.

Exclusion of members

38. (1) The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who wilfully disregards the authority of the Speaker or who wilfully obstructs the business at any meeting: Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.

(2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.

(3) In the considering of the appeal, the Council must comply with the rules of natural justice.

(4) A proposal to exclude a member may be moved at any stage of the meeting.

Member to speak only once

39. (1) Subject to any provisions to the contrary, or the prior approval of the Speaker, no member shall speak more than once on any motion or proposal and the Speaker's decision whether or not to allow the member to speak again, is final and shall not be open for discussion.

(2) The provisions of subsection (1) shall not apply to a member of the Executive Committee when the Council considers the budget.

A point of order and personal explanation

40. (1) Any member may rise to a point of order or explanation, but such explanation shall be confined to the material content of his or her former speech.

(2) Such a member shall be called upon to speak forthwith.

Speaker's ruling on a question of order

41. The ruling of the Speaker on a point of order or on the admissibility of an explanation shall be final and shall not be open for discussion.

Mode of voting

42. (1) Every opposed motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstained from it, and he or she shall thereupon declare the result of the voting.

(2) After the Speaker has declared the result of the voting in accordance with subsection (1), a member may demand –

(a) that his or her vote be recorded against a decision; or

(b) a division by rising and putting such demand to the Speaker.

(3) When a division has been duly demanded in accordance with subsection (2)(b), the Speaker shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed, and no member shall leave or enter the Council chamber until the result of the division has been declared.

(4) After the expiry of the period of time referred to in subsection (3), the Speaker shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.

(5) A division shall take place as follows: The Municipal Manager shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "for" or "against" or "abstained", whether he or she votes in favour of or against or abstained on the motion or proposal and the Municipal Manager shall record each such vote, as well as the name of each absent member.

(6) When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his or her vote for or against the motion or proposal or abstained.

(7) A member demanding a division shall not leave the Council chamber before such division has been taken.

(8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) or (4), the Speaker shall record his or her casting vote as contemplated in section 30(4) of the Act.

Proposals which may be made

43. (1) When a motion or proposal is under debate at a meeting, no further proposal shall be received, except a proposal –

(a) that the motion or proposal be amended;

(b) that consideration of the question be postponed;

(c) that the meeting be adjourned;

(d) that the debate be adjourned;

(e) that the question be put;

(f) that the Council proceeds to the next matter;

(g) that the question be referred back for further consideration;

(h) that, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; or

(i) that the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda:

Provided that the proposals referred to in paragraphs (b) to (g), may not be made to the Council until the mover of the motion or proposal under debate has spoken thereon: Provided further that a second proposal in terms of paragraphs (b) to (f) shall not be made within half-an-hour of a similar proposal under the same item, unless, in the opinion of the Speaker, the circumstances are materially altered.

(2) A member who has not participated in the debate or proposal may, during that debate at the conclusion of any speech, move –

(a) that consideration of the question be postponed to any stated date; or

(b) that the meeting be now adjourned: Provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or

(c) that the debate be adjourned.

(3) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon.

(4) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than 5 minutes and subsequently the proposal shall be put without further debate.

Consideration of a matter to be held over

44. A member who makes a proposal in terms of section 43(1)(i), may speak thereon for not more than 3 minutes, but the seconder shall not be allowed to speak thereon, and thereafter the proposal shall be put to the vote without further debate.

Amendment of a motion or proposal

45. (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.

(2) Such amendment shall be reduced to writing, signed by the mover and handed to the Speaker.

(3) An amendment shall be clearly stated to the meeting by the Speaker before it is put.

(4) (a) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which a further amendment may be moved.

(b) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall become the substantive motion or proposal upon which an amendment may be moved.

(5) A member shall not move more than one amendment of a proposal or motion.

(6) The mover of an amendment of a proposal or motion shall have no right to reply.

Postponement of consideration of question

46. If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

Adjournment of meeting

47. No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

Adjournment of the debate

48. (1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.

(2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

(3) No member shall move or second more than one proposal for the adjournment of the same debate.

Putting of the question

49. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the question be now put.

(2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.

(3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

The Council shall proceed to next business

50. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the Council do now proceed to the next matter.

(2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.

(3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than 5 minutes, and subsequently the proposal shall be put without any further debate.

(4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

Question to be referred back for further consideration

51. (1) When a recommendation of the Executive Committee is before the Council, a member may move that the question be referred back to the Executive Committee for further consideration.

(2) The mover of such a proposal shall have no right of reply.

(3) Such a proposal shall not be put until the provisions of section 18 have been complied with.

(4) If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

Suspension of section 8

52. (1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him or her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.

(2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the Speaker at least 10 minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the Speaker allows a shorter period of time.

(3) The Speaker shall disallow both if he or she could have disallowed such motion in terms of section 26.

(4) Immediately before the report of the Executive Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the Executive Committee.

(5) If the Speaker allows the proposal and motion in terms of subsection (4), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he or she has spoken on only the reason for the urgency of the consideration of that motion for not more than 5 minutes, which includes the reading of the motion, he or she shall propose that the provisions of section 8 be suspended.

(6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.

(7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of all the members of the Council.

(8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

Interpretation of Standing Orders

53. (1) (a) Any member may request the ruling of the Speaker as to the interpretation of the Standing Orders to be embodied in the minutes, and a register of such rulings shall be kept by the Municipal Manager.

(b) The Speaker shall sign the entry of each ruling given by him or her.

(2) A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the Executive Committee and in such event the Executive Committee shall consider the ruling and report thereon to the Council.

Discussion of matter in committee

54. (1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he or she may speak on such proposal for not more than 3 minutes, but the seconder shall not speak thereon.

(2) After a proposal contemplated in subsection (1) has been carried, the Speaker shall, after consideration if it is reasonable and necessary to protect the rights of the person or subject under discussion, order the press, the public and every other person whose presence will in his or her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself or herself that his or her order has been complied with, he or she shall put the matter concerned again.

(3) A discussion of a matter in committee shall not suspend any other provisions of these Standing Orders.

(4) If, after the Council has dispatched the matters dealt with in committee, there still remain other matters on the agenda, the Speaker shall allow the press, the public and others to re-enter the Council chamber.

(5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 160(7) of the Constitution.

Quorum of the Council or the Council as committee

55. The quorum of the Council or the Council as committee shall be a majority of all the members of the Council.

Resignation of seat on committee

56. Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn.

Filling of a vacancy on a committee

57. Every vacancy on a committee, other than the Executive Committee, shall be notified by the Executive Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

Filling of a vacancy on a committee during absence of a member

58. When any member who is not a member of the Executive Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves.

Dates and times of Executive Committee meetings

59. (1) The Chairperson of the Executive Committee shall fix the dates, times and venues of meetings.

(2) No meeting of the Executive Committee shall be held during a meeting of the Council without the Council's consent.

Notice of Executive Committee meetings

60. (1) The Municipal Manager shall issue a notice calling a meeting of the Executive Committee and specify the business to be entertained by that committee.

(2) The notice shall be delivered to each member of that committee or left at his or her business or residential address at least 24 hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.

(3) Notice of any special meeting of the Executive Committee convened by the Speaker in terms of the Act, shall be given in writing under the hand of the Municipal Manager.

(4) When the Executive Committee has failed to meet twice in any month in which an ordinary meeting of the Council is held, the Municipal Manager shall report the circumstances to the Council at its next meeting.

Attendance registers for Executive Committee meetings

61. (1) The Municipal Manager shall keep an attendance register in which every member of the Executive Committee attending a meeting of that committee shall sign his or her name.

(2) Any member who is not an Executive Committee member shall whenever he or she attend a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "not a member".

Participation in discussions at Executive Committee meeting

62. Any person requested or allowed by the Executive Committee to attend a meeting of such committee may, with the permission of the chairperson of the Executive Committee, speak thereat.

No quorum at Executive Committee meeting

63. If, after expiration of ten minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Municipal Manager.

Manner of voting at meetings of Executive Committee

64. The chairperson of the Executive Committee shall allow the members of the Executive Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*: Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution.

Approval of minutes of Executive Committee meeting

65. (1) At any ordinary meeting of the Executive Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the Executive Committee.

(2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so required, unless the committee decides to defer consideration thereof until its next meeting: Provided further that if the minutes have been circulated in a manner as provided for in section 115 of the Systems Act, it shall not be competent for any member to require them to be read, unless a majority of the members present so resolves.

Minutes may be held over owing to pressure of work

66. The minutes of a meeting of the Executive Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

Discussion of minutes of Executive Committee meeting

67. No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

Reports may be supplied to press

68. The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the Executive Committee or the Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.

Exclusion of members disclosing documents

69. (1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council or of the Council in committee, relating to a matter referred to in section 10 of the Code of Conduct for Councillors as annexed as Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall be guilty of a contravention of this subsection.

(2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1): Provided that the appeal procedures contemplated in section 38 shall *mutatis mutandis* apply to the provisions of this section.

(3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the Speaker may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

Return of attendance of meetings

70. (1) The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the Executive Committee, attended by each member of such committee.

(2) The Municipal Manager shall include the return in the agenda of the ordinary meeting to be held in January of each year.

Secretariate

71. (1) The Municipal Manager shall be responsible for the effective functioning of the activities of the Council and its committees.

(2) The Municipal Manager may designate a number of officers in the fulltime employ of the Municipality to serve as a secretariate for the Council.

(3) The Municipal Manager may assign a function such as the taking of minutes or the distribution of documents to any member of the secretariate, but shall remain responsible to the Council for the effective execution of any function entrusted to him or her by or under these Standing Orders.

Repeal of laws and savings

72. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

73. This By-law shall be called the Standing Orders, 2008

By-law No. 18, 2008

AERIAL SYSTEMS BY-LAW, 2008

BY-LAW

To provide for the regulation of the erection of aerial systems in the Thembelihle municipality; and for matters connected therewith.

BE IT ENACTED by the Thembelihle municipality, as follows:-

Definitions

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

"**aerial system**" means any device used or designed to assist radio or television broadcast or reception and shall include a dish aerial system;

"**building**" includes –

(a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with -

(i) the accommodation or convenience of human beings or animals;

(ii) the manufacture, processing, storage, display or sale of any goods;

(iii) the rendering of any service;

(iv) the destruction or treatment of refuse or other waste materials;

(v) the cultivation or growing of any plant or crop;

(b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;

(c) any fuel pump or any tank used in connection therewith;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c);

(e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"**dish aerial system**" means any concave device used or designed to receive satellite broadcasts; and

"**Municipality**" means the Thembelihle municipality.

Permission for certain antennae systems

2. (1) No person may, without the prior written permission of the Municipality, and subject to the conditions determined in such permission, erect, cause or allow to be erected, an aerial system on any premises –

(a) that stands higher than 3 m from the ground, if not mounted on a building;

(b) that, if mounted on a building, projects more than 3 m above the highest point of that building;

(c) that is a dish aerial system with a diameter of more than 1 m.

(2) Application for permission must be made to the Municipality on the form provided by the Municipality for that purpose and must be accompanied by the fees determined by the Municipality.

(3) Any person who does not comply with the provisions of subsection (1) must, within 12 months after this By-law has come into operation, comply with the said provisions.

Penalty clause

3. (1) Any person who contravenes or fails to comply with any provision of section 2(1) or any requirement or condition thereunder, shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

4. (1) This by-law repeals all other by-laws related to the issue.

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

5. This By-law shall be called the Aerial Systems By-law, 2008

CONTINUES ON PAGE 257—PART 2

KENNISGEWING 97 VAN 2008

THEMBELIHLE MUNICIPALITY / THEMBELIHLE MUNISIPALITEIT

MUNICIPAL BY-LAWS: THEMBELIHLE MUNICIPALITY / MUNISIPALE VERORDENINGS

Notice is hereby given in terms of Section 162(1) of the Constitution of the Republic of South Africa, 1996 that Thembelihle Municipality adopted the Municipal By-laws contained in this notice and listed in the Index hereto. The said Municipal By-laws are hereby published as the Municipal By-laws of the Thembelihle Municipality and shall commence on 15 December 2008. / Kennisgewing word hiermee gegee in terme van Artikel 162(1) van die Grondwet van die Republiek van Suid-Afrika, 1996 dat Thembelihle Munisipaliteit die Munisipale Verordenings aangeheg aan die kennisgewing en gelys in die inhoudsopgawe, aangeneem het. Dié Munisipale Verordenings is gepubliseer as die Munisipale Verordenings van Thembelihle Munisipaliteit en sal in werking tree op 15 Desember 2008.

Z. MONAKALI

MUNICIPAL MANAGER / MUNISIPALE BESTUURDER

INDEX BY-LAWS / INHOUDSOPGAWE VERORDENINGS

Verordening No. 1, 2008

VERORDENING OP WETSTOEPASSING, 2008

VERORDENING

Om voorsiening te maak vir die voorkoming van misdaad in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken -

"**motorwag**" 'n persoon wat aan 'n ander persoon op 'n openbare plek of op 'n plek wat gewoonlik deur die publiek of enige deel daarvan gebruik word, ooreenkomstig 'n reëling met so 'n ander persoon, teen vergoeding homself of haarself beskikbaar stel vir die beskerming van voertuie, en het "**motorwagorganisasie**" 'n ooreenstemmende betekenis;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**openbare eiendom**" ook 'n brug, gebou, struktuur of vaste aanhegting wat deel uitmaak van 'n openbare plek of wat in, op of by 'n openbare plek voorkom of wat regtens openbare eiendom is;

"**openbare plek**" ook grond, 'n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot die volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit 'n gemeenskaplike reg of toegang het;

"**straat**" ook 'n sypaadjie; en

"**wetstoepassingsbeampte**" iemand wat by of kragtens die een of ander wet gemagtig word om 'n verordening van die Munisipaliteit te polisieër of toe te pas.

Beskadiging van openbare eiendom verbode

2. Niemand mag openbare eiendom verwyder, beskadig, ontsier, verberg of daarmee peuter nie.

Oppervlakte van strate mag nie geskend word nie

3. Behalwe in die uitvoering van sy of haar ampspligte, mag niemand die oppervlakte van 'n straat merk, verf of op enige manier ontsier nie.

Vertoon van uithangborde, plakkate en baniere beheer

4. (1) Niemand mag –

(a) in, op of by 'n openbare plek; of

(b) op so 'n manier dat dit geredelik sigbaar is van 'n openbare plek,'n uithangbord, plakkaat of banier wat onwelvoeglik, aanstootlik of onkuis is vertoon nie.

(2) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes deur die Munisipaliteit bepaal, mag niemand -

(a) op 'n openbare plek; of

(b) op private eiendom (uitgesonderd private eiendom wat gesoneer is vir besigheidsverwante doeleindes of industrieëlverwante doeleindes by of kragtens die een of ander wet, gidsplan, dorpsaanlegskema of titelakte) op so 'n manier dat dit geredelik sigbaar is van 'n openbare plek, adverteer deur die vertoon van 'n uithangbord, plakkaat of banier nie.

Aanbring van straatnommers

5. Die eienaar of okkupant van 'n beboude perseel moet die straatnommer deur die Munisipaliteit aan die perseel toegesê op 'n opvallende plek wat na die betrokke straat front aanbring, op so 'n manier dat dit geredelik leesbaar is van die straat.

Beskadiging van straatname en straatnommers verbode

6. Niemand mag -

(a) 'n bord waarop 'n straatnaam vertoon word;

(b) 'n straatnommer beoog in artikel 5; of

(c) 'n uithangbord deur die Munisipaliteit gemagtig of opgerig, beskadig,

(d) ontsier, verwyder of onleesbaar maak nie.

Beheer van bedel op of vanaf openbare plekke

7. (1) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes deur die Munisipaliteit bepaal, mag niemand –

(a) in of vanaf 'n openbare plek bedel of aalmoese insamel nie;

(b) van deur tot deur bedel of aalmoese insamel nie.

(2) Voorwaardes in subartikel (1) beoog moet -

(a) afbakening van die gebied waarbinne die persoon mag bedel of aalmoese insamel;

(b) tye waartydens die persoon mag bedel of aalmoese insamel;

(c) plekke waar die persoon nie mag bedel of aalmoese insamel nie; en

(d) die tydperk (wat nie langer as een jaar mag wees nie) waarvoor die toestemming verleen word, insluit, maar is nie daartoe beperk nie.

(3) Iemand wat bedel of aalmoese insamel ooreenkomstig 'n geskrewe toestemming in subartikel (1) beoog, moet die toestemming in sy of haar besit hê en dit op versoek toon aan -

(a) iemand wat deur daardie persoon genader word;

(b) enigiemand met 'n klaarblyklike belang in sy of haar optrede; of

(c) 'n wetstoepassingsbeampte.

Beheer oor motorwagte

8. (1) Niemand tree as 'n motorwag op nie tensy –

(a) hy of sy geregistreer is as 'n sekuriteitsdiensverskaffer ingevolge die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 (Wet No. 56 van 2001); en

(b) hy of sy in diens is van 'n motorwagorganisasie en in die uitvoering van sy of haar pligte en onder die beheer van daardie organisasie optree.

(2) 'n Motorwagorganisasie lewer nie 'n motorwagdiens nie tensy die organisasie -

(a) vooraf die skriftelike toestemming van die Munisipaliteit verkry het en optree ooreenkomstig die voorwaardes in die toestemming aangedui;

(b) 'n "sekuriteitsbesigheid" is soos omskryf in die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001 en voldoen aan die bepalings van artikel 20(2) van die Wet;

(c) toesien dat enige van sy werknemers wat diens as 'n motorwag lewer –

(i) te alle tye behoorlik geregistreer is as 'n sekuriteitsdiensverskaffer ingevolge die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001; en

(ii) voldoen aan die bepalings van die gedragskode vir sekuriteitsdiensverskaffers bedoel in artikel 28 van die Wet op die Regulering van die Private Sekuriteitsbedryf, 2001.

(3) Voorwaardes in subartikel (2)(a) beoog moet -

(a) afbakening van die gebied waarbinne die motorwagorganisasie 'n motorwagdiens mag lewer;

(b) tye waartydens die motorwagorganisasie 'n motorwagdiens mag lewer;

(c) plekke waar die motorwagorganisasie nie 'n motorwagdiens mag lewer nie; en

(d) die tydperk (wat nie langer as een jaar mag wees nie) waarvoor die toestemming verleen word, insluit, maar is nie daartoe beperk nie.

Verbode handelinge met betrekking tot openbare plekke

9. (1) Niemand mag in, op of by 'n openbare plek enige voorwerp of stof –

(a) wat die sindelikheid van die openbare plek mag belemmer; of

(b) wat 'n steurnis of gevaar vir enige mens, dier of voertuig wat die openbare plek gebruik mag veroorsaak, agterlaat, mors, laat val of neersit nie.

(2) Niemand mag in, op of by 'n openbare plek spoeg, urineer of ontlas nie.

Inaseming, verskaffing of wegdoening van sekere stowwe verbode

10. (1) Behoudens die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992 (Wet No. 140 van 1992), mag niemand die dampe van gom, 'n hegmiddel of vlugtige stof wat 'n bedwelmende of hallusinerende uitwerking het, inasem nie.

(2) Niemand doen weg met die houer van 'n stof in subartikel (1) bedoel -

(a) deur middel van die munisipale vullisverwyderingstelsel nie; of

(b) deur dit in, op of by 'n openbare plek te los nie.

(3) Behoudens die Wet op Dwelmmiddels en Dwelmsmokkelary, 1992, verskaf niemand, teen betaling of andersins, 'n stof in subartikel (1) bedoel aan enigiemand indien dit redelikerwys duidelik is dat die stof verkry word met die doel om daardie subartikel te oortree nie.

Storting van vullis, agterlaat of ophoping van sekere voorwerpe of stowwe in openbare plekke verbode

11. (1) Niemand stort, vergaar, of laat enige tuinvullis, motorwrak of onderdeel, bourommel, vullis of ander afval agter –

(a) in, op of by 'n openbare plek nie;

(b) behalwe op 'n plek deur die Munisipaliteit vir storting toegewys nie.

(2) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde deur die Munisipaliteit bepaal, plaas niemand, of laat toe dat iemand 'n voorwerp of stof in subartikel (1) bedoel vanaf 'n perseel waarvan die persoon die eienaar of okkupeerder is in, op of by 'n openbare plek plaas nie.

Verbode handelinge met betrekking tot bome in openbare plekke

12. (1) Niemand mag –

(a) 'n boom in 'n openbare plek breek of beskadig nie; of

(b) so 'n boom merk of verf nie.

(2) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit, mag niemand -

(a) 'n advertensie op 'n boom in 'n openbare plek vertoon nie;

(b) 'n boom in 'n openbare plek afknot, top, snoei, afsaag of verwyder nie.

Vergader of versperring van strate verbode

13. Behoudens die Wet op die Reëling van Byeenkomste, 1993 (Wet No. 205 van 1993), mag niemand op só 'n manier in 'n straat vergader, sit, lê of stap, dat 'n versperring van die verkeer veroorsaak word of dat enigiemand anders wat die straat gebruik gestamp of verontrief word nie.

Verbodsbepalings met betrekking tot plekke van aanbidding

14. (1) Niemand mag onmiddellik voor, gedurende of na die samekoms, sonder goeie rede, in die onmiddellike nabyheid van 'n plek van aanbidding draal nie.

(2) Niemand mag 'n lidmaat van 'n godsdienstige groep wat 'n samekoms bywoon of wat op pad is na of vertrek vanaf 'n plek van aanbidding treiter, hinder of vertraag nie.

Oorlas verbode

15. Niemand mag in, op of by 'n openbare plek -

(a) onwelvoeglike, aanstootlike of onkuise taal gebruik nie.

(b) rommel of vullis aan die brand steek of verbrand nie;

(c) enigiets wat 'n aanstootlike rook afgee verbrand nie;

(d) 'n aanstootlike reuk veroorsaak nie;

(e) ander mense versteur deur te baklei, te skree of te argumenteer nie;

(f) buitensporige geraas veroorsaak deur –

(i) te sing nie;

(ii) musiekinstrumente te bespeel nie;

(iii) 'n engin te laat loop nie;

(iv) die gebruik van 'n luidspreker, radio, televisie of soortgelyke toestel nie; of

(v) dit op enige ander manier te maak nie.

Rusverstoring verbode

16. (1) Niemand mag die rus in 'n woongebied versteur deur buitensporige geraas te maak of deur luidrugtig te baklei, te skree of te argumenteer nie.

(2) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde wat die Munisipaliteit mag bepaal, mag niemand 'n klapper of enige ander vuurwerk wat 'n harde geraas maak afvuur nie.

Beheer van adverteer met klankversterkers

17. Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig enige voorwaarde wat die Munisipaliteit mag bepaal, mag niemand deur die gebruik van 'n klankversterker op 'n besigheidsperseel en op 'n manier dat dit van 'n openbare plek gehoor kan word –

(a) musiek speel nie; of

(b) 'n mikrofoon of opname gebruik om enige lid van die publiek uit te nooi om die perseel binne te gaan of daar besigheid te doen nie.

Beheer oor werk bedel

18. Behalwe in 'n gebied deur die Munisipaliteit toegewys en gedurende tye deur die Munisipaliteit bepaal, mag niemand in of vanaf 'n openbare plek –

(a) werk bedel nie; of

(b) op enige manier aan 'n lid van die publiek sy of haar bereidwilligheid om teen vergoeding werk te doen of 'n taak te verrig te kenne gee nie.

Beheer oor vertoon van onwelvoeglike beeldmateriaal

19. (1) Uitgesonderd in 'n aparte private lokaal, waartoe toegang alleen verkry kan word deur 'n deur waarop duidelik in drukskrif die woorde "Toegang slegs vir persone van 18 jaar en ouer" aangebring is en wat geleë is binne die betrokke sakeperseel, stal niemand wat sake doen in –

(a) die verkoop, verhuring of vertoning van films; of

(b) die verkoop van publikasies, 'n film of publikasie uit waarvan die houer of buiteblad, na gelang van die geval, 'n tekening, prent, illustrasie, skildery, foto, beeld of kombinasie daarvan bevat wat seksuele gedrag uitbeeld nie.

(2) Vir die doeleindes van subartikel (1) beteken –

"**film**" –

(a) enige reeks visuele beelde wat op enige stof, hetsy 'n film, magnetiese band, skyf of ander materiaal, opgeneem is op so 'n wyse dat daardie beelde deur gebruikmaking van daardie stof as 'n bewegende prent gesien kan word;

(b) die klankbaan verbonde aan en 'n vertoonde illustrasie wat betrekking het op 'n film soos in paragraaf (a) omskryf;

(c) 'n prent wat bestem is om deur middel van 'n meganiese, elektroniese of enige ander toestel vertoon te word;

"**publikasie**" –

(a) 'n koerant, boek, tydskrif, pamflet, aanplakbiljet of ander drukwerk;

(b) 'n geskrif of tikwerk wat op enige wyse gedupliseer is;

(c) 'n tekening, prent, illustrasie of skildery;

(d) 'n afdruk, foto, gravure of litografie;

(e) 'n plaat, magnetiese band, klankbaan, behalwe 'n klankbaan verbonde aan 'n rolprent, of ander voorwerp waarin of waarop klank vir weergawe opgeneem is;

(f) rekenaarprogrammatuur wat nie 'n film is nie;

(g) die omslag of verpakking van 'n film;

(h) 'n afbeelding, kerfwerk, standbeeld of model;

(i) 'n boodskap of mededeling, met inbegrip van 'n visuele aanbieding wat op 'n verspreide netwerk geplaas word, waarby inbegrepe is, maar nie beperk is nie tot, die Internet; en

"**seksuele gedrag**" die vertoon van 'n geslagsorgaan, masturbasie, geslagsverkeer, wat anale geslagsverkeer insluit, die streling, of aanraking met enige voorwerp, van 'n geslagsorgaan, die penetrasie van 'n vagina of 'n anus met enige voorwerp, mondelinge genitale kontak, of mondelinge anale kontak.

(3) Die bepalings van subartikel (1) is nie van toepassing op iemand bedoel in artikel 24(1) van die Wet op Films en Publikasies, 1996 (Wet No. 65 van 1996), wat die houer is van 'n lisensie om die besigheid van volwasse persele te bedryf, terwyl so iemand op sodanige persele besigheid doen nie.

Parkering van swaar voertuie, sleepwaens of karavane

20. Niemand parkeer –

(a) 'n voertuig met 'n bruto massa van meer as 9000 kg, of 'n sleepwa met 'n bruto massa van meer as 1000 kg, vir langer as 2 uur; of

(b) 'n karavaan vir langer as 24 uur, in 'n straat nie.

Verspreiding van strooibiljette gereguleer

21. Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit, mag niemand –

(a) 'n strooibiljet of soortgelyke advertensiestuk in of op enige voertuig wat in 'n openbare plek geparkeer is plaas of laat plaas nie; of

(b) in of op 'n openbare plek aan enigiemand 'n strooibiljet of soortgelyke advertensiestuk uitdeel of laat uitdeel nie.

Strafbepaling

22. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

23. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

24. Hierdie Verordening heet die Verordening op Wetstoepassing, 2008

Verordening No. 2, 2008

VERORDENING OP BEGRAAFPLASE, 2008

VERORDENING

Om voorsiening te maak vir die uitlê en bestuur van begraafplase in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

INHOUDSOPGAWE

HOOFSTUK 7
Instandhouding

19. Instandhouding van grafte

HOOFSTUK 8
Algemene gedrag in begraafplase

20. Algemene gedrag in begraafplase

HOOFSTUK 9
Diverse

21. Beserings en skade
22. Vuurwapens en tradisionele wapens
23. Strafbepaling en koste
24. Herroeping van wette en voorbehoude
25. Kort titel

HOOFSTUK 1
Interpretasie

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**as**" die oorblyfsels van 'n lyk nadat dit verbrand is;

"**begraafplaas**" grond of deel daarvan, insluitende die geboue en werke daarop, wat die eiendom is van en deur die Munisipaliteit beheer word, wat behoorlik deur die Munisipaliteit afgesonder en gereserveer is vir doeleindes van begrafnisse en van tyd tot tyd beskikbaar gestel word vir publieke gebruik vir begrafnisse;

"**begrafnis**" die begrawing in die grond of enige ander metode van beskikking oor 'n lyk, as of 'n kadawer op die wyse in hierdie Verordening voorsien;

"**begrafnisorder**" 'n order uitgereik kragtens die bepalings van die Wet op die Registrasie van Geboortes en Sterftes, 1992 (Wet No. 51 van 1992) wat 'n begrafnis magtig;

"**doodgebore**" met betrekking tot 'n kind, dat die kind na 'n binne-baarmoeder bestaan van minstens 26 weke en na 'n volledige geboorte geen teken van lewe getoon het nie;

"**graf**" 'n stuk grond in 'n begraafplaas wat uitgesit, voorberei en gebruik is vir 'n begrafnis;

"**gedenkplaat**" 'n plaat wat op die kolumbarium aangebring word vir identifiseringdoeleindes;

"**gedenkwerk**" enige grafsteen, monument, inskripsie of ander soortgelyke werk of deel daarvan, opgerig of bedoel om opgerig te word op 'n graf of 'n kolumbarium;

"**houer**" 'n persoon aan wie 'n reserveringsertifikaat vir 'n spesifieke graf uitgereik is ingevolge 'n wet herroep by artikel 24;

"**inwoner**" 'n persoon wat tydens sy of haar dood gewoonlik woonagtig was binne die Munisipaliteit of regtens aanspreeklik was vir betaling van eiendomsbelasting, huur, dienstegelde of heffings aan die Munisipaliteit;

"**kind**" (waar die woord gebruik word om 'n lyk te beskryf), 'n lyk wat begrawe word in 'n kis wat in 'n graf vir 'n kind pas, soos in artikel 14 bedoel;

"**kolumbarium**" 'n gedenkmuur of 'n muur van herinnering deur die Munisipaliteit voorsien vir die begrawing van as;

"**lyk**" 'n dooie menslike liggaam en ook die liggaam van 'n doodgebore kind;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**nis**" die holte in 'n kolumbarium voorsien vir die begrawing van as;

"**opsigter**" die beampte deur die Munisipaliteit aangestel vir die beheer van en toesig oor 'n begraafplaas of begraafplase, en sy gedelegeerdes;

"**Stadsgeneesheer**" die beampte van tyd tot tyd deur die Munisipaliteit in sodanige posisie aangestel en sy of haar gedelegeerdes;

"**verantwoordelike persoon**" die naaste oorlewende familielid van 'n oorledene of 'n persoon deur sodanige oorlewende gemagtig, of indien die opsigter tevrede is dat sodanige persoon nie bestaan nie of dat die handtekening van sodanige oorlewende of gemagtigde persoon nie betyds verkry sal kan word vir doeleindes van voltooiing van die vereiste aansoekvorms nie, enige ander persoon wat die opsigter tevrede stel betreffende sy identiteit, belang in die begrafnis, vermoë om die voorgeskrewe gelde te betaal en om die toepaslike bepalings van hierdie Verordening na te kom;

"**voorgeskrewe gelde**" die gelde soos van tyd tot tyd deur die Munisipaliteit by wyse van besluit bepaal; en

"**volwassene**" (waar die woord gebruik word om 'n lyk te beskryf), 'n lyk wat begrawe word in 'n kis wat in 'n graf vir 'n volwassene pas, soos in artikel 14 bedoel.

HOOFSTUK 2
Uitlê en bestuur van begraafplase

Uitlê van begraafplase

2. (1) Die Munisipaliteit kan van tyd tot tyd geskikte munisipale grond binne die Munisipaliteit opsysit en reserveer vir die uitlê en bestuur van 'n begraafplaas.

(2) Die Munisipaliteit kan 'n aansoek vir die uitlê en instandhouding van 'n privaat begraafplaas of 'n privaat kolumbarium op privaat grond, oorweeg en goedkeur op die voorwaardes wat die Munisipaliteit nodig ag.

(3) 'n Begraafplaas uitgelê kragtens 'n wet by hierdie Verordening herroep, word geag kragtens hierdie artikel uitgelê te wees.

(4) Die Munisipaliteit kan binne 'n begraafplaas, ooreenkomstig 'n goedgekeurde uitlegplan, sodanige gebiede opsysit, reserveer en afbaken as wat die Munisipaliteit dienstig ag vir eksklusiewe gebruik deur lede van 'n besondere godsdiens of kerkverband, of vir die begrawing van volwassenes, kinders, lede van veiligheidsmagte of oorlogshelde, of vir die skepping en bestuur van –

(a) 'n berm area waar gedenkwerk van 'n beperkte grootte opgerig mag word slegs op 'n sement basis deur die Munisipaliteit voorsien op die bo- en onder ente van 'n graf, terwyl die oppervlakte van die graf gelykgemaak word;

(b) 'n monumentale area waar gedenkwerk wat opgerig word die totale graf area beslaan;

(c) 'n semi-monumentale area waar gedenkwerk, sonder 'n beperking op die grootte, opgerig mag word slegs op 'n sement basis by die bo ent van die graf, welke basis nie deur die Munisipaliteit voorsien word nie;

(d) 'n natuurlike gras area waar die oppervlakte van grafte gelykgemaak word en deur middel van nommers geïdentifiseer word wat bo-op grafte aangebring word op so 'n wyse dat 'n grassnyer gebruik kan word om die natuurlike gras te sny sonder beskadiging van die nommers;

(e) 'n tradisionele area waar die oppervlakte van grafte gelykgemaak word, en gedenkwerk nie die totale oppervlakte van 'n graf hoef te beslaan nie, en opgerig mag word op 'n graf wat nie met 'n sement basis voorsien is soos wat by die berm area vereis word nie;

(f) 'n kolumbarium area waar as in 'n nis in 'n gedenkmuur of 'n muur van herinnering wat deur die Munisipaliteit voorsien word, begrawe kan word.

Amptelike ure

3. (1) 'n Begraafplaas en die opsigter se kantoor is oop gedurende die tye deur die Munisipaliteit bepaal en die begraafplaaskantoor van die opsigter is oop van Maandag tot Vrydag.

(2) Begrafnisse vind plaas op die dae en gedurende die tye deur die Munisipaliteit bepaal.

(3) Die Munisipaliteit het die reg om 'n begraafplaas of enige gedeelte daarvan vir die publiek te sluit vir sodanige periodes en vir sodanige redes as wat die Munisipaliteit mag goeddunk.

(4) Niemand mag in 'n begraafplaas wees of daarin teenwoordig bly voor of na die tye deur die Munisipaliteit bepaal, of gedurende enige periode wat dit vir die publiek gesluit is, sonder die toestemming van die opsigter nie.

Register

4. 'n Register van grafte en begrafnisse word deur die opsigter bygehou en sodanige register word so ver as moontlik onmiddellik na die uitvoering van 'n begrafnis ingevul met verwysing na die voorgeskrewe besonderhede vervat in die toepaslike begrafnisorder.

Nommering van grafte

5. (1) Alle grafte in 'n begraafplaas wat geokkupeer word, of waarvoor 'n begrafnis gemagtig is ingevolge die bepalings van artikel 9, word deur die Munisipaliteit genommer.

(2) Die nommer word op 'n graf aangebring en word aangedui op 'n plan wat in die kantoor van die opsigter beskikbaar gehou word.

Reservering van grafte

6. Geen reservering van 'n graf in 'n begraafplaas word toegelaat nie: Met dien verstande dat reservering van grafte gemaak en aangeteken word in die amptelike rekords van die Munisipaliteit ingevolge 'n wet herroep by artikel 24, steeds geldig sal wees en die Munisipaliteit sodanige gereserveerde regte sal honoreer.

Oordrag van gereserveerde regte

7. (1) 'n Gereserveerde reg soos in artikel 6 bedoel, mag nie sonder die voorafverkreë skriftelike toestemming van die Munisipaliteit oorgedra word nie.

(2) Aansoek om sodanige reg oor te dra, moet skriftelik by die opsigter gedoen word deur die voltooiing en inhandiging van 'n voorgeskrewe aansoekvorm.

(3) Indien die aansoek goedgekeur word, sal 'n sertifikaat ten gunste van die oordragnemer uitgereik word, wat sodoende die houer word.

(4) 'n Gereserveerde reg kan op versoek van die houer daarvan gekanselleer word en as die versoek deur die Munisipaliteit toegestaan word, word die bedrag deur die houer betaal (indien daar is), min 10 % administrasiefooi aan die houer terugbetaal.

Aantal lyke in 'n graf

8. (1) Slegs een lyk mag in 'n graf met mates soos in artikel 14(1) of (2) bedoel, begrawe word.

(2) Slegs twee lyke mag in 'n graf met mates soos in artikel 14(4) bedoel, begrawe word: Met dien verstande dat aansoek vir die begrawe van twee lyke in skrif by die opsigter gemaak is deur inhandiging van 'n aansoek bedoel in artikel 9(1) alvorens die eerste lyk begrawe is.

(3) Na die oopmaak van 'n graf vir doeleindes van die begrawe van'n tweede lyk soos bedoel in subartikel (2) in daardie graf, moet 'n sementlaag van nie minder as 25 mm dik gegiet word bo die kis wat voorheen begrawe is.

(4) Indien by die oopmaak van enige graf, deur die Stadsgeneesheer gevind word dat die grond aanstootlik of gevaarlik vir die algemene gesondheid van mense is, word die situasie in oorleg met die Stadsgeneesheer hanteer.

HOOFSTUK 3
Begrafnisse

Aansoek vir 'n begrafnis

9. (1) 'n Aansoek om toestemming vir 'n begrafnis in 'n begraafplaas word op die voorgeskrewe aansoekvorm by die opsigter gedoen en gaan vergesel van –

(a) die voorgeskrewe begrafnisorder;
(b) die voorgeskrewe gelde; en
(c) die reserveringsertifikaat, indien van toepassing.

(2) Niemand mag in enige ander plek in die Munisipaliteit as in 'n begraafplaas uitgelê en bestuur deur die Munisipaliteit, 'n begrafnis of die begrawing van as of

'n kadawer onderneem, laat plaasvind of toelaat tensy die goedkeuring van die Munisipaliteit vooraf verkry is nie.

(3) Aansoek om toestemming vir 'n begrafnis moet by die opsigter ingedien word minstens 24 werksure voor die beplande begrafnis, by gebreke waaraan die opsigter die aansoek kan afkeur.

(4) Geen persoon mag 'n begrafnis in 'n begraafplaas onderneem, laat plaasvind of toelaat tensy skriftelike goedkeuring vir die begrafnis verkry is, 'n spesifieke graf toegeken is vir doeleindes van die begrafnis en 'n datum en tyd vir die begrafnis met die opsigter gereël is nie.

(5) Die opsigter neem die gewoontes en geloof of kerkverband van die familie van die oorledene in ag by toekenning van die datum en tyd van die begrafnis.

(6) Die toekenning van 'n spesifieke graf is die alleen verantwoordelikheid van die opsigter, en 'n begrafnis word slegs uitgevoer in 'n graf deur hom of haar toegeken: Met dien verstande dat by die toekenning van 'n graf, die opsigter so ver as prakties moontlik aan die verantwoordelike persoon toegang moet verleen tot 'n plan van die begraafplaas waarin die verskillende afdelings aangedui word, en hom of haar toelaat om die afdeling van sy of haar keuse, maar nie die graf van sy of haar keuse nie, te kies.

(7) Die Munisipaliteit kan volgens sy diskresie 'n begrafnis sonder betaling van die voorgeskrewe gelde en op sodanige wyse as wat die Munisipaliteit goedvind toelaat in 'n deel van 'n begraafplaas opsygesit vir sodanige doeleindes.

(8) Kennisgewing van die kansellasie of uitstel van 'n begrafnis, word minstens 4 werksure voor die tyd gereël vir die begrafnis, aan die opsigter gegee.

(9) Die verlening van toestemming vir 'n begrafnis en die toekenning van 'n spesifieke graf in 'n begraafplaas, verleen nie aan die aansoeker, die verantwoordelike persoon of enige ander persoon enige reg ten opsigte van sodanige graf anders dan om 'n lyk in die graf te begrawe nie.

Begrawing van 'n lyk

10. (1) Alle grafte word deur die opsigter voorberei, uitgesonderd grafte wat met bakstene of beton uitgevoer word, in welke geval die messelwerk of betonwerk deur die ondernemer onder die toesig van die opsigter en ooreenkomstig die spesifikasie wat vir gewone grafte geld, verrig word.

(2) Daar moet minstens 1200 mm grond wees tussen die bokant van 'n kis van 'n volwassene en die grondoppervlakte, en minstens 900 mm grond tussen die bokant van 'n kis van 'n kind en die grondoppervlakte.

(3) Alle lyke moet in 'n kis geplaas word vir doeleindes van die begrafnis, behalwe soos voosien vir die Moslem gemeenskap.

(4) Niemand mag sonder die voorafverkreë toestemming van die opsigter, enige godsdienstige plegtigheid of diens volgens die kerkgebruik van enige kerkgenootskap in enige gedeelte van enige begraafplaas, wat deur die Munisipaliteit ingevolge artikel 2(4) vir die gebruik van 'n ander kerkgenootskap gereserveer is, hou nie.

(5) Geen persoon mag toelaat dat 'n lykswa die paaie wat in 'n begraafplaas voorsien is verlaat nie en 'n lykswa moet 'n begraafplaas so gou moontlik na afloop van die begrafnis waarvoor dit gebruik is verlaat.

(6) Elkeen wat aan 'n begrafnisstoet of –plegtigheid deelneem, moet aan die aanwysings van die opsigter gehoor gee ten opsigte van die roete wat binne 'n begraafplaas gevolg moet word.

(7) Niemand vervoer 'n lyk of lê enige deel daarvan bloot op 'n onbetaamlike wyse in 'n straat, begraafplaas of publieke plek nie.

(8) Elke aansoek, en elke dokument in verband met 'n begrafnis moet gemerk word met 'n nommer wat ooreenstem met die nommer in die register waarna in artikel 4 verwys word, en moet deur die Munisipaliteit geliasseer en bewaar word vir 'n periode van nie minder as 10 jaar nie.

Begrawing van as

11. (1) As kan in 'n kis begrawe word, en slegs twee sodanige kiste wat as bevat mag in 'n ekstra diep graf begrawe word, soos bedoel in artikel 14(4): Met dien verstande dat 'n kis nie die gemiddelde liggaamsgewig van 70 kg mag oorskrei nie, en verdermeer dat die graf aangepas word tot die voorgeskrewe diepte en afmetings.

(2) Geen persoon mag 'n begrafnis van as in 'n begraafplaas onderneem, laat plaasvind of toelaat tensy die skriftelike goedkeuring vir die begrafnis verkry is, 'n spesifieke graf of nis toegeken is vir doeleindes van die begrafnis en 'n datum en tyd vir die begrafnis met die opsigter gereël is nie.

(3) Aansoek vir die begrawing van as vir 'n spesifieke tyd of onbepaald, of vir die voorsiening van 'n gedenkplaat van goedgekeurde materiaal om aangebring te word op 'n gebou, kolumbarium of ander fasiliteit, word by die opsigter op die voorgeskrewe vorm gedoen.

(4) Nisse word deur die opsigter toegeken streng ooreenkomstig die volgorde waarin die aansoeke daarvoor ontvang is, en geen reservering vir toekomstige gebruik word gemaak nie.

(5) Aansoek om toestemming vir die begrawing van as moet ten minste 24 werksure voor die beplande begrafnis ingedien word, by gebreke waaraan die opsigter die aansoek kan afkeur.

(6) 'n Kruik of kissie wat as bevat wat in 'n gebou, kolumbarium of ander fasiliteit gedeponeer is mag nie verwyder word sonder dat die skriftelike toestemming van die opsigter vooraf verkry is nie.

(7) Elke nis wat as bevat word geseël deur middel van 'n plaat wat deur die Munisipaliteit goedgekeur is, en word slegs oopgemaak vir doeleindes van die onttrekking van die kruik of kissie daarin vir beskikking daaroor elders, of vir doeleindes van die deponering van 'n addisionele kruik of kissie daarin, waarna dit weer geseël word.

(8) Aansoek vir die oopmaak van 'n nis word by die opsigter op die voorgeskrewe aansoekvorm gedoen.

(9) Niemand bring enige materiaal in 'n kolumbarium vir doeleindes van die konstruksie of oprigting van enige gedenkwerk daarin, tensy en totdat –

(a) goedkeuring vir die begrafnis verkry is ooreenkomstig die bepalings van artikel 9 nie;

(b) goedkeuring vir die oprigting van die gedenkwerk verkry is ooreenkomstig die bepalings van artikel 17(1) nie; en

(c) die voorgeskrewe gelde betaal is nie.

(10) Enigeen wat betrokke is by werk in die kolumbarium, voer sodanige werk tot die tevredenheid van die opsigter uit, en sodanige werk word gedurende die amptelike ure van die opsigter onderneem soos in artikel 3 uiteengesit.

(11) Geen permanente kranse, ruikers, blomme of blomme-huldeblyke mag in of op 'n kolumbarium geplaas word nie.

(12) Die kolumbarium mag daagliks besoek word gedurende die amptelike ure uiteengesit in artikel 3.

(13) Gedenkplate moet gemaak word van materiaal wat deur die Munisipaliteit goedgekeur is, en moet opgerig word gelyktydig met die plasing van die as, en binne 30 dae nadat goedkeuring verkry is.

Begrawing van 'n kadawer

12. Die oorblyfsels van 'n lyk wat gebruik is by 'n opvoedkundige inrigting vir die opvoeding van studente, algemeen bekend as 'n kadawer, mag in een kis begrawe word en twee sodanige kiste wat kadawers bevat mag in 'n ekstra diep graf begrawe word, soos bedoel in artikel 14(4): Met dien verstande dat 'n kis nie die gemiddelde liggaamsgewig van 70 kg mag oorskrei nie, en verdermeer dat die graf aangepas word tot die voorgeskrewe diepte en afmetings.

Persone wat buite die gebied van die Munisipaliteit te sterwe kom

13. Die bepalings van hierdie Verordening geld *mutatis mutandis* ten opsigte van 'n begrafnis in 'n begraafplaas van 'n persoon wat buite die Munisipaliteit te sterwe gekom het.

Afmetings van grafte

14. (1) Die uitgrawing van 'n graf vir 'n volwassene moet minstens 1820 mm diep, 2300 mm lank en 760 mm wyd wees.

(2) Die uitgrawing van 'n graf vir 'n kind moet minstens 1370 mm diep, 1520 mm lank en 610 mm wyd wees.

(3) Indien 'n groter, langer of wyer graf as dié hierbo gespesifiseer verlang word, moet sodanige aansoek, tesame met die verskuldigde bykomende voorgeskrewe gelde, saam met die aansoek om toestemming vir die begrafnis by die opsigter ingehandig word.

(4) Die uitgrawing vir 'n ekstra diep graf vir die begrawing van twee lyke, moet ten minste 2400 mm diep, 2300 mm lank en 760 mm wyd wees.

(5) Toegelate afwyking van afmetings vir grafte is soos volg:

Ekstra wyd	2300 mm lank 840 mm wyd
Ekstra lank	2530 mm lank 760 mm wyd
Reghoekig klein	2300 mm lank 810 mm wyd
Reghoekig groot	2400 mm lank 900 mm wyd
Steenmesselwerk	2600 mm lank 1050 mm wyd

(6) Die oppervlakte van 'n reghoekige graf vir 'n volwassene is 1500 mm wyd en 2600 mm lank.

(7) Die oppervlakte van 'n graf vir 'n volwassene is 1210 mm wyd en 2430 mm lank.

(8) Die oppervlakte van 'n graf vir 'n kind is 1210 mm wyd en 1520 mm lank, en indien die kis te groot is, moet 'n graf vir 'n volwassene gebruik word.

HOOFSTUK 4
Verassing

Verassing

15. Verassing binne die Munisipaliteit geskied slegs in 'n goedgekeurde krematorium wat vir die doel opgerig is, en ooreenkomstig die bepalings van die Verassingsordonnansie, 1926 (Ordonnansie No. 6 van 1926).

HOOFSTUK 5
Opgrawing

Opgrawing

16. (1) Niemand grawe sonder die skriftelike magtiging bedoel in artikel 3 van die Ordonnansie op die Opgrawing van Menslike Oorskot, 1980 (Ordonnansie No. 12 van 1980), en dan alleen nadat die Munisipaliteit sodanig ingelig is, 'n lyk op of onderneem die opgrawing of laat toe dat 'n lyk of die oorblyfsels daarvan opgegrawe word nie.

(2) Enige persoon behoorlik daartoe gemagtig om 'n lyk op te grawe soos hierbo uiteengesit, moet sodanige magtiging aan die opsigter voorsien ten minste 8 werksure voor die tyd voorgestel vir die opgrawing van die lyk en moet terselfdertyd die voorgeskrewe gelde betaal.

(3) Die opgrawing en verwydering van 'n lyk geskied alleenlik in die teenwoordigheid van die opsigter of 'n gemagtigde begraafplaaspersoneellid, vergesel van die begrafnisondernemer en ooreenkomstig die wetgewing van toepassing op opgrawings en herbegrawings.

(4) 'n Graf waaruit 'n lyk verwyder gaan word, moet indien so deur die opsigter vereis, effektief van die publieke oog afgeskerm word vir die duur van die opgrawing.

(5) Die persoon wat om die opgrawing van 'n lyk aansoek gedoen het, moet 'n aanvaarbare houer voorsien waarin die oorblyfsels van die lyk geplaas moet word, en moet sodanige oorblyfsels na die opgrawing verwyder.

(6) Niemand word toegelaat om 'n graf weer oop te maak tensy hy of sy die opsigter tevrede gestel het dat hy of sy daartoe gemagtig is nie.

(7) Na die opgrawing en verwydering van die oorblyfsels van 'n lyk, val alle regte tot die graf die Munisipaliteit toe en die hergebruik van die graf word in oorleg met die Stadsgeneesheer gedoen.

(8) Indien dit op enige stadium en vir welke rede ookal nodig word om 'n lyk op te grawe en na 'n ander graf oor te plaas, mag die Munisipaliteit, nadat die familie van die oorledene ooreenkomstig ingelig is, die lyk opgrawe en oorplaas na 'n ander graf.

HOOFSTUK 6
Gedenkwerk

Gedenkwerk

17. (1) Aansoek vir die oprigting van gedenkwerk word by die opsigter gedoen op die voorgeskrewe aansoekvorm.

(2) Die oprigting van traliewerk om 'n graf is verbode.

(3) Niemand bring enige materiaal in 'n begraafplaas in of laat toe dat dit ingebring word vir doeleindes van die konstruksie of oprigting van enige gedenkwerk daarin, tensy en totdat –

(a) goedkeuring vir die begrafnis verkry is ooreenkomstig die bepalings van artikel 9 nie;

(b) goedkeuring vir die oprigting van die gedenkwerk verkry is ooreenkomstig die bepalings van subartikel (1) nie; en

(c) die voorgeskrewe gelde betaal is nie.

(4) Grafte van oorloggesneuweldes wat deur die Suid-Afrikaanse Raad vir Oorlogsgrafte of enige ander erkende liggaam of deur die regering van 'n vreemde land versorg of onderhou word, kan na aansoek by die Munisipaliteit van die vereiste betaling van die voorgeskrewe gelde vrygestel word.

(5) Die Munisipaliteit kan weier om toestemming te verleen vir enige voorgestelde werk in verband met 'n gedenksteen waarvan die plan en spesifikasie aan die lig bring dat dit van minderwaardige gehalte sal wees of 'n begraafplaas moontlik kan ontsier, of wat 'n grafskrif daarop het wat aanstoot mag gee aan gebruikers van die begraafplaas of besoekers daarvan.

(6) Geen persoon wat in 'n begraafplaas besig is met enige werk in verband met 'n gedenksteen, mag op engie stadium 'n aangrensende grafperseel versteur nie en na voltooiing van sodanige werk laat hy of sy die graf en die begraafplaas in

'n skoon en netjiese toestand en verwyder alle boumateriaal of oortollige grond vanaf die begraafplaas.

(7) Iemand wat werk in 'n begraafplaas verrig in verband met die oprigting van 'n gedenksteen, moet –

(a) vooraf reëlings met die opsigter tref rakende die datum en tyd van die beplande oprigting;

(b) alle afsonderlike dele van enige gedenksteen behalwe messelwerk, vasheg met koper- of gegalvaniseerde yster tappenne, wat lank en dik genoeg is om die permanente stewigheid van die werk te verseker;

(c) enige deel van sodanige werk wat op klip of 'n ander fondament rus, redelik haaks afwerk en voeg;

(d) seker maak dat die onderkant van elke plat klip-gedenksteen, en die basis of platform van elke grafsteen minstens 50 mm onderkant die natuurlike vlak van die grond is;

(e) alle grafstene stewig aan die basisse vasheg;

(f) seker maak dat gedenkstene in alle gevalle uit een soliede stuk bestaan;

(g) seker maak dat alle grafstene van graniet, marmer of brons of sodanige ander duursame staal of steen deur die Munisipaliteit goedgekeur is;

(h) seker maak dat alle randstene of gedenkwerk op grafte op betonfondamente opgerig word wat, in die geval van grafte vir volwassenes, minstens 1210 mm breed en 200 mm diep oor die hele breedte is en 910 mm breed en 200 mm diep oor die hele breedte in die geval van kindergrafte is;

(i) seker maak dat die grootte van 'n monumentale grafsteen (alles insluitend) soos volg is:

Enkelgraf	2440 mm lank 1070 mm wyd
Kindergraf	1370 mm lank 760 mm wyd
Dubbelgraf	2440 mm lank 2290 mm wyd;

(j) alle randstene op grafte groter as enkelgrafte by die vier hoeke en by alle laste op soliede betonlae bevestig;

(k) enige beton fondament op enige graf, indien dit as gevolg van die gewig van die gedenkwerk nodig geag word, op instruksie van die Munisipaliteit versterk.

(8) Geen persoon mag enige gedenkwerk binne enige begraafplaas oprig nie, tensy die nommer en blokletter van die graf waarop sodanige werk geplaas moet word, daarop gegraveer is op 'n plek waar dit ten alle tye vanaf die voetpad leesbaar is en alleen met die toestemming van die familie van die oorledene, mag die naam van die maker van sodanige gedenkwerk op die voetsteen aangebring word.

(9) Gedenkwerk mag slegs gedurende die amptelike kantoorure soos in artikel 3 bedoel, in 'n begraafplaas opgerig word.

(10) Geen persoon mag enige gedenkwerk in 'n begraafplaas oprig of plaas in ongure weer of indien die grond in 'n ongeskikte toestand is.

(11) Elke persoon wat werk in 'n begraafplaas uitvoer, kom onder alle omstandighede die instruksies van die opsigter na.

(12) Die Munisipaliteit mag, na behoorlike kennisgewing, te enige tyd die posisie van enige gedenkwerk in 'n begraafplaas verander of wysig, onderhewig daaraan dat waar die gedenkwerk oorspronklik in daardie posisie geplaas is, met die uitdruklike toestemming van die opsigter, enige verandering van daardie posisie ingevolge die bepalings van hierdie Verordening op koste van die Munisipaliteit geskied.

Grafte voorsien van 'n berm

18. (1) Nieteenstaande enigiets tot die teendeel in hierdie Verordening vervat, is 'n graf wat van 'n berm voorsien is, onderhewig aan die voorwaardes in subartikel (2) uiteengesit.

(2) (a) Geen randsteen mag by sodanige graf aangebring word nie.

(b) Die berm deur die Munisipaliteit voorsien, moet 1200 mm lank, 500 mm breed en 300 mm diep wees.

(c) Die basis van die gedenkwerk wat op die berm van 'n enkelgraf opgerig gaan word, mag nie groter wees nie as 1000 mm lank en 230 mm breed en die gedenkwerk, tesame met die basis, mag nie hoër as 1200 mm vanaf die grond wees nie.

(d) Gedenkwerk mag nie verby die basis van die berm steek nie.

(e) Geen voorwerp mag op 'n graf geplaas en gehou word nie: Met dien verstande dat gedenkwerk of 'n vaas vir blomme of lower wat in die opening wat in die berm voorsien is, geplaas is op 'n graf geplaas en gehou mag word totdat die grondoppervlakte bo-op die graf gelykgemaak is.

HOOFSTUK 7
Instandhouding

Instandhouding van grafte

19. (1) (a) Gedenkwerk wat op enige graf opgerig is, moet te alle tye deur die verantwoordelike persoon in goeie orde en toestand gehou word.

(b) Indien enige sodanige gedenkwerk toegelaat word om te verval of om gevaarlik te word of die begraafplaas ontsier, kan die Munisipaliteit by wyse van 'n skriftelike kennisgewing per aangetekende pos, wat aan die verantwoordelike persoon by sy of haar jongsbekende posadres gerig is, van hom of haar eis om sodanige herstelwerk te doen as wat nodig geag word.

(c) By versuim om die vereiste herstelwerk binne 1 maand vanaf die datum van sodanige kennisgewing te doen, kan die Munisipaliteit na goeddunke, die herstelwerk laat doen of die gedenkwerk laat verwyder, en die koste van sodanige herstelwerk of verwydering van die verantwoordelike persoon verhaal.

(2) Tensy anders in hierdie Verordening voorsien, is die Munisipaliteit verantwoordelik om begraafplase in 'n skoon en netjiese toestand te hou.

(3) Gras mag deur die naasbestaandes van 'n oorledene op 'n graf geplant word, onderhewig aan die instruksies van die opsigter: Met dien verstande dat die Munisipaliteit 'n graf, as deel van 'n begraafplaas, op eie koste en in ooreenstemming met sy eie standaarde en programme onderhou.

(4) (a) Alle gedenkwerk wat uitmekaar gehaal is vir doeleindes van 'n verdere begrafnis, moet binne 2 maande na die datum van sodanige uitmekaarhaal, heropgerig of verwyder word.

(b) By versuim om hieraan te voldoen, kan die Munisipaliteit sonder enige verdere kennisgewing, die uitmekaargehaalde gedenkwerk vanuit die begraafplaas verwyder, en die koste vir die verwydering van die verantwoordelike persoon verhaal.

(5) Niemand mag enige boom, struik, bos of enige ander plant op of in die omgewing van 'n graf aanplant nie.

(6) Die Munisipaliteit kan enige plant wat verby die grense van enige graf strek of wat onnet is, verwyder, snoei of knip.

(7) Niemand laat enige blom, gras, saad of enige ander materiaal wat vanaf 'n graf verwyder is, op enige ander graf, in die pad of op enige ander plek in 'n begraafplaas, behalwe in 'n afvalhouer vir die doel voorsien, agter nie.

HOOFSTUK 8
Algemene gedrag in begraafplase

Algemene gedrag in begraafplase

20. (1) Tensy onder die sorg van 'n volwassene of met die goedkeuring van die opsigter, gaan niemand onder die ouderdom van 12 jaar 'n begraafplaas binne nie.

(2) Niemand gaan 'n begraafplaas binne of verlaat dit, behalwe deur die hekke vir die doel voorsien, en niemand gaan enige kantoor of geslote ruimte in enige begraafplaas binne, behalwe om sake te doen of met die toestemming van die opsigter nie.

(3) Niemand lê 'n vals verklaring af of verstrek vals inligting in 'n aansoek of enige ander vorm of dokument wat ingevolge die bepalings van hierdie Verordening voltooi en ingehandig moet word nie.

(4) Niemand verrig of beoefen binne enige begraafplaas of enige publieke plek binne 30 m vanaf die grens van 'n begraafplaas, enige handelsberoep of smousaktiwiteit of werf bestellings vir enige besigheid, of mag enige besigheidskaart of advertensie vertoon, versprei of agterlaat nie, behalwe met die skriftelike goedkeuring van die Munisipaliteit en op sodanige voorwaardes wat die Munisipaliteit mag bepaal.

(5) Niemand mag op of oor enige grafsteen, gedenkwerk, hek, muur, heining of gebou in enige begraafplaas sit, staan of klim nie.

(6) Niemand mag enige betoging van welke aard ookal in 'n begraafplaas hou, dit toelaat of daaraan deelneem nie.

(7) Niemand mag enige dier in 'n begraafplaas inbring of toelaat dat dit ingebring word nie, en enige dier wat in 'n begraafplaas aangetref word, kan geskut word.

(8) Voorskrifte uitgereik deur die opsigter ten einde die ordelike verloop van die verrigtinge in 'n begraafplaas betreffende die plasing van strukture, stoele, mikrofoon-toerusting en die tipe musiek wat gespeel mag word te verseker, moet nagekom word.

(9) Niemand mag binne enige begraafplaas, die opsigter of enige beampte van die Munisipaliteit in die uitoefening van sy of haar amptelike pligte verhinder, weerstaan of teenwerk nie, of weier om enige redelike opdrag van die opsigter of enige beampte van die Munisipaliteit na te kom nie.

(10) Niemand verwyder enige grond, sand of ander stof of ding van 'n soortgelyke aard vanuit 'n begraafplaas sonder die uitdruklike toestemming van die opsigter nie.

(11) Niemand mag enige graf, grafsteen, monument, muur, gebou, heining, pad of ander verbetering binne enige begraafplaas roekeloos of moedswillig vernietig of beskadig of laat beskadig nie, of enige advertensie, plakkaat of aanplakbiljet daarop aanbring, teken of oprig nie of dit op enige ander manier skend nie.

(12) Niemand mag enige beampte van die Munisipaliteit met geld, geskenke of enige ander voordeel omkoop of poog om hom of haar om te koop in verband met enige aangeleentheid wat met 'n begraafplaas verbandhou nie.

(13) Niemand mag sonder die toestemming van die opsigter, enige grond binne 'n begraafplaas verstoor of enige plant, struik of blomplant ontwortel of op enige manier met enige graf of verbetering peuter nie, tensy dit uitdruklik in hierdie Verordening toegelaat word.

(14) Niemand mag enige spel of sport binne 'n begraafplaas speel, of enige vuurwapen daarbinne afvuur, behalwe as 'n saluut by 'n militêre begrafnis, of enige windbuks of rekker afskiet, of enigiemand binne sodanige begraafplaas hinder of lasting val nie.

(15) Geen musiekinstrument mag in 'n begraafplaas bespeel word sonder die toestemming van die opsigter nie.

HOOFSTUK 9
Diverse

Beserings en skade

21. Iemand wat 'n begraafplaas gebruik, doen dit op eie risiko, en die Munisipaliteit aanvaar geen aanspreeklikheid hoegenaamd vir enige persoonlike beserings wat so 'n persoon mag opdoen nie of vir enige verlies van of skade aan so 'n persoon se eiendom wat in verband staan met of voortspruit uit die voormelde gebruik van 'n begraafplaas nie.

Vuurwapens en tradisionele wapens

22. Geen vuurwapen of tradisionele wapen word by 'n begraafplaas toegelaat nie.

Strafbepaling en koste

23. (1) Iemand wat enige bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf en by skuldigbevinding deur 'n hof, strafbaar met 'n boete of gevangenisstraf vir 'n periode van nie meer as 3 jaar nie, of met beide so 'n boete en daardie gevangenisstraf.

(2) Enige koste wat deur die Munisipaliteit aangegaan is as gevolg van 'n oortreding van hierdie Verordening, of by die doen van enigiets wat iemand by of kragtens enige sodanige bepaling van die Verordening opgedra is om te doen, wat hy of sy versuim het om te doen, kan deur die Munisipaliteit verhaal word van die persoon wat die oortreding begaan het of versuim het om sodanige ding te doen.

Herroeping van wette en voorbehoude

24. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

25. Hierdie Verordening heet die Verordening op Begraafplase, 2008

Verordening No. 3, 2008

VERORDENING OP DIE BEHEER OOR AANHOU VAN HONDE, 2008

VERORDENING

Om voorsiening te maak vir beheer oor die aanhou van honde in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**aanhou**" met betrekking tot 'n hond, om toesig of beheer daaroor te hê of om dit in bewaring te hê of om skuilplek te bied aan sodanige hond;

"**eienaar**" met betrekking tot 'n hond, iemand wat 'n hond aanhou en ook enige persoon aan wie 'n hond toevertrou is of wat beheer oor 'n hond het ten opsigte van enige terrein binne die regsgebied van die Munisipaliteit waar sodanige hond aangehou word of toegelaat word om te lewe of te bly;

"**gemagtigde beampte**" –

(a) 'n vredesbeampte, soos omskryf in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977) in diens van die Munisipaliteit;

(b) enige ander persoon, hetsy in diens van die Munisipaliteit of nie, wat as gemagtigde beampte deur die Munisipaliteit aangestel is;

"**hond**" vir doeleindes van artikel 3(1) en (2), 'n hond bo die ouderdom van ses maande;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**openbare plek**" ook grond, 'n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit 'n gesamentlike reg of toegang het;

"**soneer**" 'n grondgebruik aan 'n perseel gekoppel kragtens enige wet, die dorpsaanlegskema of 'n titelakte; en

"**straat**" ook 'n sypaadjie.

Toepassing van Verordening

2. Die bepalings van artikels 3(1) en 5 is nie van toepassing op 'n perseel wat vir landboudoeleindes gesoneer is nie: Met dien verstande dat iemand wat honde aanhou op 'n perseel wat vir landboudoeleindes gesoneer is nie van voldoening aan enige ander bepaling van hierdie Verordening of enige ander wetgewing wat van toepassing mag wees, vrygestel is nie.

Getal honde

3. (1) Behoudens die bepalings van subartikel (2), hou niemand, sonder die voorafverkreë skriftelike toestemming van die Munisipaliteit, meer as twee honde op enige erf of perseel aan nie.

(2) 'n Hondeteler wat meer as twee honde –

(a) op 'n perseel wat vir landboudoeleindes gesoneer is wil aanhou, is geregtig om dit te doen;

(b) op 'n perseel wat vir enige ander doeleindes as landboudoeleindes gesoneer is wil aanhou, moet die skriftelike toestemming van die Munisipaliteit verkry.

(3) 'n Aansoek om die Munisipaliteit se goedkeuring ingevolge subartikel (2), word alleen deur die Munisipaliteit oorweeg, indien –

(a) die Munisipaliteit oortuig is dat die perseel waarop die honde aangehou sal word nie kleiner as 5 000 vierkante meter is nie; en

(b) die aansoek vergesel gaan van 'n aansoek om verandering van die grondgebruikbeperkings van toepassing op die perseel, waar dit nodig is.

(4) Die Munisipaliteit se toestemming ingevolge subartikel (2)(b) om meer as twee honde op 'n perseel aan te hou, word verleen –

(a) alleen in daardie gevalle waar, na aanleiding van advertensie ingevolge die betrokke wetgewing, geen besware ontvang word teen die voorgestelde afwyking van grondgebruikbeperkings nie; en

(b) onderworpe aan die voorwaardes en beperkings wat die Munisipaliteit nodig ag.

(5) Die Munisipaliteit kan, nadat behoorlike prosedure gevolg is, 'n toestemming ingevolge subartikel (2)(b) toegestaan, terugtrek.

Beheer oor honde

4. Niemand –

(a) laat toe dat 'n hitsige teef wat deur hom of haar besit of aangehou word, in 'n openbare plek kom nie;

(b) moedig 'n hond aan om enige mens of dier aan te val of skrik te maak nie, behalwe waar dit nodig is vir beskerming van sy of haar persoon of goed of van enigiemand anders;

(c) abandoneer 'n hond deur hom of haar besit of aangehou nie;

(d) hou 'n hond aan wat –

(i) deur te blaf, kef, tjank of te huil;

(ii) deur die gewoonte aan te geleer het om motors, diere, pluimvee, duiwe of mense buite die perseel waar dit aangehou word, te jaag; of

(iii) deur op enige ander manier op te tree,

die normale gemak, gerief, vrede of stilte van sy of haar bure versteur nie; of

(e) laat 'n hond wat deur so iemand besit of aangehou word –

(i) toe om, terwyl dit aan brandsiekte of enige ander besmetlike of aansteeklike siekte ly, in 'n openbare plek te wees nie;

(ii) wat wild, kwaai of gevaarlik is in 'n openbare plek toe, indien dit nie gemuilband is en aan 'n leiband onder die beheer van 'n verantwoordelike persoon gehou word nie;

(iii) toe om op privaatgrond te oortree nie;

(iv) toe om 'n gevaar te wees vir verkeer wat enige pad of straat gebruik nie;

(v) toe om 'n bron van gevaar of besering te wees of, volgens sy of haar kennis, om waarskynlik 'n bron van gevaar of besering te wees vir iemand buite die perseel waar die hond aangehou word nie; of

(vi) toe om in 'n openbare plek te wees, behalwe aan 'n leiband en onder beheer van 'n verantwoordelike persoon nie.

Omheining van persele

5. Niemand hou 'n hond aan op 'n perseel wat nie behoorlik en genoegsaam omhein is om die hond binne te hou wanneer dit nie aan 'n leiband is nie.

Honde mag nie 'n bron van gevaar wees nie

6. Iemand wat 'n hond op 'n perseel aanhou –

(a) neem redelike voorsorg om seker te maak dat die hond nie 'n bron van gevaar vir werknemers van die Munisipaliteit wat die perseel binnegaan om hul pligte uit te voer, uitmaak nie; en

(b) vertoon, in 'n opvallende plek, 'n kennisgewing tot die effek dat 'n hond op die perseel aangehou word.

Verwydering van aanstootlike stowwe

7. Indien 'n hond in 'n openbare plek ontlas, verwyder die persoon in beheer van die hond sonder verwyl die ontlasting, plaas dit in 'n plastiek- of papiersak of omhulsel en gooi dit weg in 'n houer vir die weggooi van rommel of vullis.

Honde op persele waar kos verkoop word

8. Enigeen wat die eienaar is of in beheer is van 'n winkel of ander plek waar kos voorberei, verkoop of uitgestal word vir verkoop, laat nie toe dat 'n hond in die winkel of op die plek is of bly nie.

Inbeslagneming, skut en afmaak van honde

9. (1) Enige hond wat in 'n openbare plek aangetref word en wat aan brandsiekte of 'n ander besmetlike of aansteeklike siekte ly, of wat kwaai, wild of gevaarlik is of ernstig beseer is, kan deur 'n gemagtigde beampte van die Munisipaliteit in beslag geneem en van kant gemaak word.

(2) 'n Gemagtigde beampte kan op enige hond wat in 'n openbare plek gevind word strydig met die bepalings van hierdie Verordening, beslag lê en dit skut op 'n plek deur die Munisipaliteit bepaal.

(3) 'n Hond wat ingevolge subartikel (2) geskut is, kan –

(a) aan die eienaar van so 'n hond vrygelaat word teen betaling van 'n bedrag deur die Munisipaliteit bepaal, bykomend tot enige koste, boete of belasting wat ten opsigte van die hond uitstaande mag wees; of

(b) na verloop van 30 dae, deur die Munisipaliteit van kant gemaak word of mee gehandel word na goedunke van die Munisipaliteit.

Aanspreeklikheid

10. Nóg die Munisipaliteit nóg enige gemagtigde beampte of enige werknemer van die Munisipaliteit is aanspreeklik vir of ten opsigte van enige besering of siekte opgedoen deur of skade aangerig aan enige hond as gevolg van of gedurende die inbeslagneming, skut, aanhouding of afmaak daarvan kragtens hierdie Verordening.

Strafbepaling

11. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

12. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

13. Hierdie Verordening heet die Verordening op die Beheer oor Aanhou van Honde, 2008

Verordening No. 4, 2008

VERORDENING OP DIE BEHEER OOR AANHOU VAN DIERE, PLUIMVEE EN BYE, 2008

VERORDENING

Om voorsiening te maak vir die beheer oor aanhou van diere, pluimvee en bye in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

DEEL 1
WOORDOMSKRYWING

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**diere**" enige perde, muile, donkies, beeste, varke, skape, bokke, inheemse soogdiere en enige ander wilde diere;

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**oorlas**" onder meer, enige handeling, versuim of toestand wat na die mening van die Munisipaliteit skadelik vir die gesondheid of aanstootlik of nadelig is of wat wesenlik inbreuk maak op die gewone gemak of gerief van die publiek of die veiligheid van die publiek nadelig raak of wat inbreuk maak op die stilte van die omgewing;

"**pluimvee**" 'n hoender, gans, eend, kalkoen, pou, tarentaal, makou of duif, hetsy mak of wild;

"**spesiale besluit**" 'n besluit deur 'n meerderheid van die volle getal lede van die Munisipaliteit geneem; en

"**troeteldiere**" enige honde, katte, marmotjies, hamsters, konyne, pelsmuise of voëls wat nie vir aanteel- of handelsdoeleindes aangehou word nie.

DEEL 2
DIERE

HOOFSTUK I
ALGEMEEN

Skriftelike toestemming

2. Niemand mag sonder die skriftelike toestemming van die Munisipaliteit enige diere (uitgesonderd troeteldiere) op enige perseel of eiendom aanhou of toelaat dat dit daarop aangehou word nie, en sodanige toestemming kan teruggetrek word indien daar te eniger tyd 'n oorlas ontstaan of die vereistes van hierdie Verordening nie nagekom word nie.

Getal diere

3. Ten einde die aanhou van diere binne dorpsgebiede te beheer en te beperk, kan die Munisipaliteit van tyd tot tyd by spesiale besluit die getal, soorte en geslag diere wat per eenheidsgebied aangehou mag word, bepaal asook die gebiede waarbinne sodanige diere verbied word.

Planne vir strukture moet goedgekeur word

4. (1) 'n Aansoek om toestemming om diere aan te hou, moet vergesel gaan van 'n gedetailleerde terreinplan waarop alle bestaande en voorgestelde strukture en heinings op die perseel aangedui word.

(2) Gedetailleerde planne en spesifikasies moet voorgelê word aan en goedgekeur word deur die Munisipaliteit ten opsigte van alle strukture waar diere gehuisves gaan word.

(3) Die getal, soorte en geslag van diere moet op die plan aangedui word.

(4) Ondanks enige andersluidende bepalings in hierdie Verordening vervat, kan die Munisipaliteit weier om die aansoek en planne goed te keur indien hy van mening is dat die eiendom, vanweë die ligging of geografiese kenmerke daarvan, ongeskik is vir die aanhou van diere daarop.

Strukture moet aan vereistes voldoen

5. (1) Alle strukture waarin diere gehuisves word, moet op 'n deeglike wyse gebou word en van materiaal wat die Munisipaliteit goedkeur.

(2) Geen struktuur mag geleë wees binne 'n afstand van 15 m van enige woning en personeelkamers of die grens van 'n woonperseel en 8 m van enige padgrens nie.

(3) Elke deel van die struktuur moet behoorlik in stand gehou en geverf word so dikwels as wat die Munisipaliteit nodig ag.

(4) Geen diere mag aangehou word in 'n struktuur of op grond wat na die mening van die Munisipaliteit onwenslik of aanstootlik is vanweë die ligging of bou daarvan of die wyse waarop dit gebruik word nie.

Perseel moet skoon gehou word

6. (1) Alle mis wat van diere afkomstig is, moet opgeberg word op 'n wyse wat deur die Munisipaliteit goedgekeur is en moet op 'n gereelde grondslag weggedoen word ten einde te verhoed dat 'n oorlas ontstaan.

(2) Alle voer moet op 'n knaagdierdigte plek opgeberg word.

(3) Die perseel moet in so 'n toestand gehou word dat dit nie knaagdiere aanlok of 'n skuilplek daaraan bied nie.

Diere wat op 'n onbevredigende wyse aangehou word

7. Wanneer ook al, na die mening van die Munisipaliteit, enige diere wat op enige perseel aangehou word, ongeag of sodanige perseel kragtens hierdie Verordening deur die Munisipaliteit goedgekeur is of nie, 'n oorlas of gevaar vir die gesondheid is, kan die

Munisipaliteit by wyse van 'n skriftelike kennisgewing die eienaar of okkupeerder van sodanige perseel aansê om, binne 'n tydperk wat in sodanige kennisgewing aangedui moet word, maar minstens 24 uur na die datum van sodanige kennisgewing, die oorsaak van sodanige oorlas of gevaar vir die gesondheid te verwyder en genoemde oorlas of gevaar vir die gesondheid te verhelp en om die werk te verrig of die dinge te doen wat die Munisipaliteit vir genoemde doel nodig ag.

HOOFSTUK II
HONDE- EN KATTEHERBERGE

Perseelvereistes

8. Niemand mag 'n honde- of katteherberg aanhou nie tensy daar aan die volgende vereistes voldoen word:

(a) Elke hond of kat moet aangehou word in 'n omheinde plek wat aan die volgende vereistes voldoen:

(i) Dit moet van duursame materiaal gebou wees en die toegang daartoe moet toereikend vir skoonmaakdoeleindes wees.

(ii) Die vloer moet van beton of ander duursame en ondeurdringbare materiaal gebou wees wat glad afgewerk is en afgeskuins is na 'n geut van 100 mm breed wat strek oor die volle breedte van die vloer en geleë is binne die omheinde plek, welke geut afgeskuins moet wees en moet dreineer na 'n rioolput wat met die Munisipaliteit se rioolstelsel verbind is deur middel van 'n erdepyp of 'n pyp van enige ander goedgekeurde materiaal met 'n deursnee van ten minste 100 mm, of met 'n ander goedgekeurde rioolstelsel.

(iii) 'n Rand met 'n hoogte van 150 mm moet oor die volle lengte van die geut in subparagraaf (ii) gemeld, en aan dié kant daarvan wat langs die omliggende buite-gebied is, verskaf word om te verhoed dat vloedwater uit sodanige gebied die geut binnekom.

(b) Elke omheinde plek in paragraaf (a) gemeld, moet 'n oordekte skuiling vir die huisvesting van honde en katte hê wat aan die volgende vereistes voldoen:

(i) Elke muur moet van baksteen, klip, beton of ander duursame materiaal gebou wees en moet 'n gladde binneoppervlak hê sonder barste of oop voeë.

(ii) Die vloer moet van beton of ander ondeurdringbare en duursame materiaal gebou wees wat glad afgewerk is sonder barste of oop voeë, en die oppervlak tussen die vloer en die mure van 'n permanente struktuur moet holrond wees.

(iii) Elke skuiling moet toereikende toegang daartoe hê vir die skoonmaak daarvan en die vernietiging van ongediertes.

(c) In die geval van honde kan 'n hondehok van gevormde asbes of ander soortgelyke materiaal, wat verplaasbaar is en geplaas is op 'n voetstuk van beton of ander duursame materiaal met 'n afwerking wat maklik skoongemaak kan word, sonder barste of oop voeë verskaf word in plaas van 'n skuiling soos beoog in paragraaf (b), en as die voetstuk van sodanige hondehok nie waterdig

gemaak is nie, moet 'n slaapplank wat die hond in staat stel om droog te bly in elke sodanige hondehok verskaf word.

(d) 'n Betonskort wat tot ten minste 1 m breed is, moet by die ingang van die omheinde plek, oor die volle breedte daarvan, verskaf word, welke skort afgeskuins moet wees sodat dit water van die omheinde plek af wegvoer.

(e) 'n Toevoer drinkbare water wat toereikend is vir drink- en skoonmaakdoeleindes moet in of aanliggend aan die omheinde plek verskaf word.

(f) Alle voedsel moet opgeberg word in 'n knaagdierdigte pakkamer, en alle onverpakte voedsel moet opgeberg word in knaagdierdigte houers met digsluitende deksels in so 'n pakkamer.

(g) Daar moet ten minste 5 m oop en onbelemmerde ruimte verskaf word tussen enige skuiling of omheinde plek en die naaste punt van enige woonhuis, ander gebou of struktuur wat vir menslike bewoning gebruik word of enige plek waar voedsel vir menslike verbruik opgeberg of berei word.

(h) Afsonderingsgeriewe vir honde en katte wat siek is, moet ten genoeë van die Munisipaliteit verskaf word.

(i) As hokke voorsien word vir die aanhou van katte, moet sulke hokke van duursame, ondeurdringbare materiaal wees en so gebou word dat dit maklik skoongemaak kan word.

HOOFSTUK III
TROETELDIERWINKELS

Perseelvereistes

9. Niemand mag die saak van 'n troeteldierwinkel op enige perseel dryf nie tensy die perseel ooreenkomstig die volgende vereistes gebou en toegerus is:

(a) Elke muur, met inbegrip van enige afskorting van enige gebou, moet gebou wees van baksteen, beton of ander duursame materiaal, 'n gladde binneoppervlak hê en met 'n ligkleurige wasbare verf geverf wees of 'n ander goedgekeurde afwerking hê.

(b) Die vloer van enige gebou moet van beton of ander duursame en ondeurdringbare materiaal wat glad afgewerk is, gebou wees.

(c) Die plafon van enige gebou moet van duursame materiaal gebou wees, glad afgewerk wees, stofdig wees en met 'n ligkleurige wasbare verf geverf wees.

(d) Sanitêre geriewe moet voorsien word ingevolge die Nasionale Bouregulasies.

(e) 'n Knaagdierdigte pakkamer moet voorsien word ten genoeë van die Munisipaliteit.

(f) Fasiliteite vir die was van hokke, panne en ander toerusting moet voorsien word ten genoeë van die Munisipaliteit.

(g) Kleedkamer- of sluitkasfasiliteite moet, indien vereis, voorsien word ten genoeë van die Munisipaliteit.

(h) Geen deur, venster of ander opening in enige muur van 'n gebou op die perseel mag nader as 2 m wees van enige ander deur, venster of ander opening in enige ander gebou waarin voedsel berei, opgeberg of vir menslike verbruik verkoop word of deur mense verbruik word nie.

(i) Daar mag geen direkte toegang tot enige bewoonbare vertrek of enige vertrek waarin klere of voedsel vir menslike verbruik opgeberg word, wees nie.

Sakevereistes

10. Elke persoon wat die saak van 'n troeteldierwinkel bedryf, moet –

(a) Aparte, verwyderbare hokke verskaf vir die huisvesting van diere, pluimvee of voëls, en die volgende vereistes moet nagekom word:

(i) Die hokke moet geheel en al van metaal of ander duursame, ondeurdringbare materiaal gebou wees en toegerus wees met 'n verwyderbare metaalpan onder die vloer daarvan om die skoonmaak daarvan te vergemaklik.

(ii) Elke hok moet vry van enige duik of holte wees wat nie redelik toeganklik vir die skoonmaak daarvan is nie en die binneholte van elke buis-of hol toebehore wat in verband daarmee gebruik word, moet verseël wees.

(iii) Indien konyne in 'n hok aangehou word, moet die metaalpan in subparagraaf (i) gemeld, in 'n verwyderbare houer dreineer.

(iv) Elke hok moet toegerus wees met 'n drinkbak wat vol water gehou moet word en vir troeteldiere wat in die hok aangehou word, toeganklik is;

(b) knaagdierdigte houers van ondeurdringbare materiaal en met digpassende deksels in die pakkamer verskaf waarin alle troeteldierkos opgeberg moet word;

(c) die perseel en elke hok, pan, houer, bak, mandjie en alle apparaat, toerusting en toestelle wat in verband met die troeteldierwinkel gebruik word, in 'n skoon, higiëniese en goeie toestand en vry van ongedierte in stand hou;

(d) doeltreffende maatreëls tref om te voorkom dat vlieë, kakkerlakke, knaagdiere en ander ongediertes geherberg word of uitbroei en dit te vernietig, en om aanstootlike reuke wat uit die aanhou van troeteldiere op die perseel voortspruit, te voorkom;

(e) oorpakke of ander beskermende klere verskaf vir die gebruik van persone wat in verband met die troeteldierwinkelbedrywighede staan en toesien dat sodanige klere deur elke werknemer gedra word wanneer hy of sy op diens is;

(f) te alle tye elke troeteldier in die gebou op die perseel hou tensy die Munisipaliteit andersins goedkeur;

(g) afsonderingsfasiliteite verskaf waarin elke troeteldier wat siek is of lyk, aangehou moet word terwyl dit op die perseel is;

(h) toesien dat daar 'n standhoudende toevoer drinkbare water vir drink- en skoonmaakdoeleindes is;

(i) toesien dat die perseel te alle tye so geventileer is dat daar genoegsame beweging van lug vir die gerief en oorlewing van die troeteldiere is; en

(j) toesien dat die getal troeteldiere per hok nie sodanig is dat die vrye beweging van sodanige troeteldiere aan bande gelê word nie.

HOOFSTUK IV
TROETELDIERSALONNE

Perseelvereistes

11. Niemand mag die saak van 'n troeteldiersalon in of op enige perseel dryf nie tensy die perseel gebou en toegerus is in ooreenstemming met die volgende vereistes:

(a) 'n Vertrek moet voorsien word wat 'n minimum vloeroppervlakte van 6,5 m^2 het vir die was en droogmaak van honde of katte en die knip van hul hare.

(b) Die vloer van so 'n vertrek moet gebou wees van beton of ander duursame, ondeurdringbare materiaal wat glad afgewerk is en afgeskuins is na 'n geut wat in ooreenstemming met die Nasionale Bouregulasies dreineer.

(c) Die oppervlak tussen die vloer en die muur van so 'n vertrek moet holrond wees en die holrond gedeelte moet 'n minimumstraal van 75 mm hê.

(d) Elke binnemuuroppervlak moet glad afgepleister wees en geverf wees met 'n ligkleurige, wasbare verf.

(e) Die vertrek moet toegerus wees met die volgende –

(i) 'n bad of dergelike fasiliteit met 'n konstante toevoer warm en koue water, wat dreineer ingevolge die Nasionale Bouregulasies;

(ii) 'n tafel met 'n ondeurdringbare blad; en

(iii) 'n vullishouer van duursame, ondeurdringbare materiaal met 'n digsluitende deksel vir die opberging van afgesnyde hare totdat dit verwyder word.

(f) As hokke voorsien word vir die aanhou van katte en honde moet sodanige hokke van duursame materiaal wees en so gebou wees dat dit maklik skoongemaak kan word.

Sakevereistes

12. Elke persoon wat die saak van 'n troeteldiersalon bedryf moet –

(a) verseker dat alle hokke, met inbegrip van die bodem, van metaal gemaak is en verskuif kan word;

(b) verseker dat alle plaagbestrydingmiddels en middels vir die was van honde en katte en die skoonmaak van toerusting en materiaal, opgeberg word in aparte metaalkaste;

(c) toesien dat alle tafels wat vir die droogmaak en versorging van honde en katte gebruik word, van metaal is, met duursame en ondeurdringbare blaaie;

(d) die perseel en elke hok, pan, houer, bak, mandjie en alle apparaat, toerusting en toestelle wat in verband met die troeteldiersalon gebruik word, in 'n skoon, higiëniese en goeie toestand en vry van ongediertes in stand hou;

(e) te alle tye elke hond of kat in die gebou op die perseel hou, tensy die Munisipaliteit andersins goedkeur;

(f) verplaasbare opberghouers van ondeurdringbare materiaal met digpassende deksels verskaf vir die opberg van honde- en kattemis; en

(g) alle mis en ander afvalmateriaal minstens een keer al om die 24 uur uit die omheinde plek en skuiling verwyder en dit in opberghouers in paragraaf (f) gemeld, plaas.

DEEL 3
PLUIMVEE

Bepalings van hierdie Deel moet aan voldoen word binne 'n sekere tyd

13. Niemand wat op die datum waarop hierdie Verordening afgekondig word, pluimvee in 'n pluimveehok of –kamp aanhou of laat aanhou of toelaat dat dit daarin aangehou word, mag voortgaan om ná 'n tydperk van 12 maande vanaf die datum waarop hierdie Verordening in werking tree, pluimvee aan te hou of te laat aanhou nie, tensy daar ten volle aan al die vereistes van hierdie Deel voldoen is.

Toestemming van Munisipaliteit moet verkry word

14. (1) Niemand mag enige pluimvee op enige perseel aanhou of laat aanhou sonder die skriftelike toestemming van die Munisipaliteit nie.

(2) 'n Aansoek om sodanige toestemming moet vergesel word van 'n terreinplan waarop die ligging van alle strukture waarin die pluimvee aangehou gaan word, aangetoon word, asook die materiaal wat gebruik gaan word en die soort en getal pluimvee wat aangehou gaan word.

(3) Die Munisipaliteit het die reg om by die verlening van toestemming om pluimvee aan te hou, die getal en soort pluimvee te bepaal wat aangehou kan word, en niemand mag 'n groter getal pluimvee of pluimvee van 'n ander soort aanhou as dié wat die Munisipaliteit bepaal het nie.

(4) As dit uit die terreinplan blyk dat die vereistes van hierdie Deel nie nagekom kan word nie, verleen die Munisipaliteit nie toestemming vir die aanhou van pluimvee nie.

(5) Die Munisipaliteit kan sodanige toestemming intrek indien die vereistes van hierdie Deel in enige stadium nie nagekom word nie.

(6) Die Munisipaliteit kan verbied dat enige pluimvee in enige gebied aangehou word indien die omgewing of digtheid van die bevolking sodanig is dat die aanhou van enige pluimvee 'n oorlas of gevaar vir die gesondheid skep of kan skep.

Pluimvee moet in goedgekeurde strukture aangehou word

15. (1) Niemand mag pluimvee in 'n ander pluimveehok, pluimveekamp of struktuur aanhou as in 'n pluimveehok, pluimveekamp of struktuur waarvoor die Munisipaliteit toestemming verleen het nie, en niemand mag sodanige hok, kamp

of struktuur verander of verskuif sonder die skriftelike toestemming van die Munisipaliteit nie.

(2) Niemand behalwe lede van 'n *bona fide*-duiweklub mag pluimvee buite die pluimveehok of pluimveekamp waarvoor daar toestemming verleen is, loslaat nie.

Spesifikasies vir strukture

16. Niemand mag 'n pluimveehok of pluimveekamp oprig of gebruik vir die doel om pluimvee aan te hou nie waarvan enige gedeelte –

(a) binne 1,5 meter is van 'n deur of venster na 'n woning, huiswerkerskwartiere of bewoonde buitegeboue, of van 'n gebou waar voedsel gehanteer, opgeberg of berei word, of van 'n straat; of

(b) nader as 1,5 meter is van enige gebou wat in paragraaf (a) genoem is, of van enige heining; of

(c) hoër as 2,4 meter of laer as 1,2 meter by enige punt is: Met dien verstande dat waar duiwe aangehou word, die totale hoogte nie 3,6 meter mag oorskry nie.

Vereistes vir konstruksie van strukture

17. Niemand mag 'n pluimveehok oprig of gebruik vir die doel om pluimvee aan te hou nie, wat nie aan die volgende vereistes voldoen en op vakkundige wyse ten genoeë van die Munisipaliteit opgerig is nie:

(a) Die mure, vloer en dak mag geen hol plekke, omheinde tussenruimtes of gate hê wat skuiling aan knaagdiere, ongediertes of pluimveeparasiete kan verleen nie.

(b) Die vloer moet van baksteen, beton, asfalt of ander materiaal wat deur die Munisipaliteit goedgekeur is, wees, en die oppervlak daarvan moet glad wees en skuins loop sodat alle vuil en spoelwater kan wegloop.

(c) Die mure moet van baksteen of beton of ander geskikte materiaal wees wat vir dié doel deur die Munisipaliteit goedgekeur is, en moet, behalwe in die geval van 'n hok vir die aanhou van duiwe, met glad afgewerkte sementpleister gepleister wees, en moet aan die binnekant en buitekant afgewit of met olieverf geverf wees.

(d) Die dak moet van asbes of golfyster of ander geskikte materiaal wees wat deur die Munisipaliteit goedgekeur is.

Vereistes vir die aanhou van pluimvee

18. Elke persoon wat pluimvee in 'n pluimveehok of pluimveekamp aanhou of laat aanhou –

(a) moet sodanige pluimveehok of pluimveekamp te alle tye in 'n deeglik skoon toestand en vry van knaagdiere, ongediertes en parasiete hou;

(b) moet alle pluimveemis behoorlik opberg in 'n nie-gegolfde metaalbak met 'n dig passende deksel of ander houer soos deur die Munisipaliteit goedgekeur;

(c) moet sodanige pluimvee op 'n behoorlike wyse voer sodat dit nie 'n oorlas veroorsaak of knaagdiere, vlieë of ander ongediertes aanlok nie, en alle

oorskietkos of ander verderfbare stof moet minstens een maal elke dag uit die pluimveehok of pluimveekamp verwyder word;

(d) moet alle pluimveekos in metaal- of ander bakke bêre wat vir knaagdiere ontoeganklik is; en

(e) mag nie 'n groter getal pluimvee in een besondere pluimveehok of pluimveekamp as een voël, en in die geval van duiwe, twee voëls, per 0,36 m^2 van die totale vloerruimte van sodanige pluimveehok of pluimveekamp aanhou of laat aanhou nie, en mag geen pluimvee aanhou wat 'n oorlas veroorsaak deur te kraai of te kekkel nie.

Gesondheidsvereistes

19. Niemand mag pluimveeskropgoed, -vullis of –mis op so 'n wyse of vir so 'n tydperk op 'n perseel plaas, gooi, laat of toelaat dat dit daarop bly sodat dit die uitbroei van vlieë bevorder of knaagdiere of ander ongediertes daardeur na sodanige perseel aangelok word nie.

Munisipaliteit mag die gebruik van sekere strukture verbied

20. Die Munisipaliteit kan, deur middel van die betekening van 'n skriftelike kennisgewing aan iemand wat pluimvee in 'n pluimveehok of pluimveekamp aanhou of laat aanhou, die gebruik van sodanige pluimveehok of pluimveekamp verbied indien dit na die mening van die Munisipaliteit ongeskik, ongewens of aanstootlik is weens die ligging of bou daarvan of die wyse waarop dit gebruik word.

Spesifikasies vir kratte

10. Niemand mag pluimvee in kratte wat nie aan die volgende vereistes voldoen plaas nie:

(a) Die vloerruimte van 'n krat wat kalkoene of ganse bevat, moet minstens 0,09 m^2 per voël wees wat daarin geplaas word, en die hoogte van sodanige krat moet minstens 750 mm wees.

(b) Die vloerruimte van 'n krat wat ander pluimvee bevat, moet minstens 0,045 m^2 per voël wees en die hoogte van sodanige krat moet minstens 500 mm wees.

(c) Die vloere van sodanige kratte moet van soliede hout of ander soliede materiaal wees.

(d) Twee drinkbakke met vars water, wat in teenoorgestelde hoeke van die krat aangebring is, moet in elke krat verskaf word. Sodanige bakke moet van die onstortbare soort en minstens 125 mm diep en 100 mm in deursnee wees.

(e) Elke krat moet geskikte bakke met kos bevat.

(f) Verskillende soorte pluimvee mag nie in dieselfde krat geplaas word nie.

DEEL 4
AANHOU VAN BYE

Aanwending van Deel

22. Hierdie Deel geld alleen binne daardie gedeelte van die Munisipaliteit se regsgebied wat deur die Munisipaliteit by kennisgewing in die *Provinsiale Koerant* afgebaken is vir die

doel om die aanhou van bye te beheer en word in hierdie Deel 'n "beheerde gebied" genoem.

Vereistes vir die aanhou van bye binne beheerde gebied

23. (1) Niemand hou bye binne 'n beheerde gebied aan –

(a) sonder 'n permit uitgereik ingevogle artikel 24(2)(b) nie;

(b) op 'n perseel kleiner as 3750 vierkante meter nie;

(c) behalwe in 'n roosterraamwerkkorf wat deur die Munisipaliteit goedgekeur is nie, geleë minstens 100m van enige straat, woonhuis, besigheidsplek of hoenderhok, of plek waar diere of voëls aangehou word en wat omhein is met 'n sterk draadheining of muur van 'n minimum hoogte van 1,5m op 'n afstand van minstens 5m in enige rigting van sodanige korf, sodat sodanige korf vir diere of ongemagtigde persone ontoeganklik is;

(d) op 'n perseel waarop 'n gebou geleë is wat vir nywerheids-, besigheids- of handelsdoeleindes gebruik word nie; of

(e) op 'n perseel wat geleë is binne 400m, gemeet van die naaste punt van die naaste grens van sodanige perseel, van die naaste punt van die naaste grens van 'n kerk, skool, hospitaal of bioskoop of enige ander vermaaklikheids-, vergader- of ontspanningsplek nie.

Permitte

24. (1) 'n Aansoek om 'n permit –

(a) word aan die Munisipale Bestuurder gerig; en

(b) gaan vergesel van die gelde deur die Munisipaliteit bepaal.

(2) Na ontvangs van die aansoek in subartikel (1) genoem, kan die Munisipale Bestuurder –

(a) die perseel en geriewe van die aansoeker inspekteer of laat inspekteer;

(b) die permit behoudens die voorwaardes wat hy of sy in belang van openbare veiligheid nodig ag uitreik; of

(c) skriftelik weier om die permit uit te reik en sy of haar redes vir weiering aanstip.

(3) 'n Permit uitgereik ingevolge subartikel (2)(b) is vir 'n jaar geldig en kan deur die permithouer hernu word voor dit verval deur –

(a) betaling van die gelde deur die Munisipaliteit vir sodanige hernuwing bepaal te betaal; en

(b) die Munisipale Bestuurder te oortuig dat alle permitvoorwaardes wat op veiligheid van die publiek gerig is steeds nagekom word.

(4) 'n Permit uitgereik ingevolge subartikel (2)(b) kan deur die Munisipaliteit ingetrek word indien die permithouer 'n bepaling van hierdie Deel of 'n voorwaarde waar behoudens die permit uitgereik is oortree of nie daaraan voldoen nie.

DEEL 5
STRAFBEPALING EN KORT TITEL

Strafbepaling

25. Enige persoon wat enige van die voorafgaande artikels oortree of weier om gehoor te gee aan 'n bevel wat wettig daarkragtens gegee is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

26. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

27. Hierdie Verordening heet die Verordening op die Beheer oor Aanhou van Diere, Pluimvee en Bye, 2008

Verordening No. 5, 2008

VERORDENING OP DIE BEHEER VAN STRAATHANDEL, 2008

VERORDENING

Om voorsiening te maak vir die beheer oor straathandel in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk beteken –

"**aangewese gebied**" 'n gebied gelys in die Bylae waarbinne straathandel, behoudens hierdie Verordening, toegelaat word;

"**eiendom**", met betrekking tot iemand wat sake doen as 'n straathandelaar, enige artikel, houer, voertuig of struktuur wat gebruik word of bedoel is vir gebruik in verband met sodanige onderneming;

"**gemagtigde beampte**" 'n beampte in diens van die Munisipaliteit wat deur die Munisipaliteit gemagtig is om hierdie Verordening uit te voer;

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**openbare plek**" ook grond, 'n park of oop ruimte, pad, straat, nagstraat of deurgang, brug, gebou of struktuur wat gewoonlik deur die publiek gebruik word, wat die eiendom van die Munisipaliteit is, of waarvan die beheer, tot die volle uitsluiting van die eienaar in die Munisipaliteit gevestig is, of waartoe die inwoners van die Munisipaliteit 'n gemeenskaplike reg of toegang het;

"**sake doen**" die koop, verkoop of ruil van enige ware of om enige diens te lewer of aan te bied om dit te lewer;

"**soom**" daardie gedeelte van 'n pad, straat, nagstraat of deurgang, met inbegrip van 'n sypaadjie, wat 'n openbare plek is of deel vorm van 'n openbare plek, wat nie verbeter, gebou of bedoel is vir die gebruik van voertuie nie;

"**straathandelaar**" iemand wat sake doen in, op of vanaf 'n openbare plek, maar nie ook iemand wat koerante verkoop nie, en het "**straathandel**" of enige soortgelyke woord 'n ooreenstemmende betekenis.

Straathandel beperk

2. (1) Niemand doen sake as 'n straathandelaar –

(a) behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en ooreenkomstig die voorwaardes in die toestemming uiteengesit nie;

(b) indien hy of sy nie –

(i) 'n Suid-Afrikaanse burger is of permanente verblyfreg of 'n werkpermit van die immigrasie owerhede ontvang het nie; en

(ii) vaste eiendom in die regsgebied van die Munisipaliteit besit of vir 'n ander rede verplig is om dienstegelde en heffings aan die Munisipaliteit te betaal nie;

(c) buite 'n aangewese gebied nie; en

(d) gedurende enige ander tyd as die tye aangedui in hierdie Verordening nie.

(2) Enigiemand wat sake doen as 'n straathandelaar, moet die skriftelike toestemming in subartikel (1)(a) genoem in sy of haar besit hê en dit op versoek aan 'n gemagtigde beampte toon.

(3) Die Munisipaliteit kan skriftelik en onderworpe aan die voorwaardes wat hy mag bepaal, vir die duur van 'n spesifieke gebeurtenis, aan 'n persoon of groep persone, vrystelling van voldoening aan 'n spesifieke bepaling of al die bepalings van subartikel (1) verleen.

Aansoek en uitreiking van skriftelike toestemming

3. (1) 'n Aansoek vir toestemming om sake te doen as 'n straathandelaar –

(a) word gerig aan die Munisipale Bestuurder;

(b) word gedoen in die vorm deur die Munisipaliteit bepaal; en

(c) gaan vergesel van die gelde deur die Munisipaliteit vasgestel, sowel as gelde vir dienste of strukture deur die Munisipaliteit by die aangewese gebied voorsien, indien van toepassing.

(2) Die Munisipale Bestuurder oorweeg die aansoek en staan dit toe of keur dit af binne 30 dae na ontvangs van die aansoek.

(3) Indien die aansoek slaag, reik die Munisipale Bestuurder sonder versuim die skriftelike toestemming uit waarin die voorwaardes onderworpe waaraan dit uitgereik word uiteengesit word.

(4) Indien die aansoek nie slaag nie, laat weet die Munisipale Bestuurder die aansoeker sonder versuim dienooreenkomstig en gee in skrif redes vir sy of haar besluit.

(5) Die bepalings van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), geld *mutatis mutandis* ten opsigte van 'n appèl teen 'n besluit van die Munisipale Bestuurder beoog in subartikel (4).

Duur, hernuwing, verval en terugtrekking van geskrewe toestemming

4. (1) 'n Geskrewe toestemming om sake te doen as 'n straathandelaar –

(a) word toegestaan vir 'n tydperk nie langer as 12 maande nie;

(b) word verleng vir 'n tydperk van 12 maande op 'n keer indien betaling van die gelde deur die Munisipaliteit vasgestel deur die straatverkoper gedoen word voor die einde van die aanvanklike tydperk van 12 maande of, na gelang van die geval, elke verdere tydperk van 12 maande;

(c) verval indien die gelde beoog in paragraaf (b) nie betyds betaal word nie.

(2) Die Munisipaliteit kan sy toestemming aan iemand om as straathandelaar sake te doen terugtrek indien die straathandelaar –

(a) versuim om te voldoen aan of teenstrydig optree met enige voorwaarde uiteengesit in die toestemming;

(b) enige bepaling van hierdie Verordening of enige ander wet oortree of versuim om daaraan te voldoen;

(c) versuim om 'n wettige bevel of versoek deur 'n gemagtigde beampte gegee of gerig te gehoorsaam of daaraan te voldoen;

(d) die bepalings van 'n teken of kennisgewing wat deur die Munisipaliteit ingevolge hierdie Verordening vertoon word verontagsaam of oortree.

Aangewese gebiede en handelstye

5. (1) Die gebiede gelys in Deel 1 van die Bylae is aangewese gebiede waarbinne sake, behoudens die bepalings van hierdie Verordening, deur straathandelaars gedoen mag word.

(2) Niemand doen sake as 'n straathandelaar behalwe gedurende die tye 08:00 tot 18:00 op enige ander dag as 'n Sondag nie.

Algemene optrede van straathandelaars

6. Niemand wat sake doen as straathandelaar –

(a) plaas sy of haar eiendom of ware in 'n publieke plek wat nie 'n aangewese gebied is nie;

(b) laat toe nie dat sy of haar eiendom of ware meer ruimte beslaan as sy of haar toegewese perseel of stalletjie in 'n aangewese gebied gelys in Deel 2 van die Bylae nie, indien van toepassing;

(c) plaas of stapel sy of haar eiendom of ware so dat dit 'n gevaar vir enigiemand of enige eiendom is, of dat dit waarskynlik enigiemand sal beseer of eiendom beskadig nie;

(d) rig, sonder die voorafverkreë skriftelike toestemming van die aangewese beampte, enige struktuur wat bedoel is om skuiling te verskaf by die aangewese gebied op nie;

(e) versper die toegang tot 'n brandkraan of gebied afgebaken vir die uitsluitlike gebruik van noodvoertuie of nooddienste nie;

(f) los sy of haar eiendom of ware voor of na besigheidstye by die aangewese gebied, behalwe in 'n permanente struktuur deur die Munisipaliteit vir daardie doel voorsien nie;

(g) laat na of versuim om sy of haar eiendom of ware te skuif wanneer aldus versoek deur 'n werknemer of agent van die Munisipaliteit of enige verskaffer van telekommunikasie- elektrisiteits- of ander dienste, sodat werk met betrekking tot 'n openbare plek of enige sodanige diens gedoen kan word nie;

(h) heg in, op of by 'n openbare plek, enige voorwerp of ding aan 'n gebou, struktuur, plaveisel, boom, parkeermeter, lamppaal, elektriese paal, telefoonhokkie, posbus, padverkeersteken, heining, bank of ander straatmeubelstuk nie;

(i) maak 'n oop vuur by die aangewese gebied of onder omstandighede waar dit iemand kan beseer of 'n gebou of voertuig beskadig nie;

(j) verrig 'n handeling of hou brandstowwe in hoeveelhede aan strydig met die bepalings van enige wet rakende die voorkoming of bestryding van brande nie;

(k) verontagsaam 'n redelike vereiste gestel deur 'n beampte van die Munisipaliteit, wat met die voorkoming of bestryding van brande belas is, rakende sy of haar bedryf nie;

(l) bêre sy of haar ware in 'n mangat, stormwaterpyp, busskuiling, openbare toilet of boom nie;

(m) verkoop sy of haar ware deur 'n megafoon, radio of luidspreker te gebruik, of deur 'n aanhoudende geskree of gesing, op so 'n manier dat dit 'n oorlas of steuring kan veroorsaak nie;

(n) verkoop enige eiendom of ware wat 'n gevaar of risiko vir die openbare gesondheid inhou nie.

Sindelikheid

7. (1) Iemand wat sake doen as 'n straathandelaar –

(a) hou sy of haar eiendom of ware en die aangewese gebied in 'n skoon en higiëniese toestand;

(b) gooi die rommel wat deur sy of haar besigheid voortgebring word in enige houer, insluitende herwinnings- en stortingsvergaderplekke, wat deur die Munisipaliteit voorsien word en doen nie weg met rommel deur dit in 'n mangat, stormwaterpyp of enige ander plek wat nie bedoel is vir die storting van rommel, te gooi nie;

(c) maak seker dat die aangewese gebied vry is van rommel wanneer besigheid vir die dag afgehandel is;

(d) neem sodanige voorsorg as wat nodig mag wees of deur die Munisipaliteit vereis word om te voorkom dat enige vet, olie, vetterigheid of enige gevaarlike stof wat voortgebring mag word deur die bedryf van sy of haar besigheid, op 'n openbare plek mors en om te voorkom dat enige rook, damp, geur of geraas afkomstig van sy of haar bedrywighede 'n oorlas word.

(2) Die Munisipaliteit –

(a) voorsien houers by aangewese gebiede sodat die weggooi van rommel deur straathandelaars vergemaklik kan word;

(b) verseker dat houers by aangewese gebiede gereeld leeggemaak, skoongemaak en ontsmet word.

Versperring veroorsaak deur straathandel verbode

8. (1) Niemand doen sake as 'n straathandelaar op 'n plek waar dit –

(a) toegang tot of die gebruik van 'n straatfasiliteit soos 'n bushalte, skuiling of toustaanlaan, vullisdrom of ander gerief wat bedoel is vir gebruik deur die publiek sal versper nie;

(b) die sigbaarheid van 'n vertoonvenster, kennisgewingbord of perseel versper nie;

(c) toegang tot 'n gebou, outobank of toustaanlaan by so 'n outobank, voetgangeroorgang of voertuig versper nie;

(d) minder as 2 meter ruimte vir voetgangergebruik op 'n sypaadjie laat nie, of op enige ander manier voetgangers se gebruik van 'n sypaadjie versper nie;

(e) die sig van enige padgebruiker belemmer nie;

(f) 'n versperring van 'n verkeerslaan veroorsaak nie;

(g) toegang tot parkeerplekke of laaisones of ander geriewe vir motorverkeer beperk nie;

(h) enige padverkeersteken of merk, kennisgewing of teken wat ingevolge hierdie Verordening of enige ander wet vertoon word of gemaak is verberg nie; of

(i) op enige manier inbreuk maak op 'n voertuig wat langs so 'n plek geparkeer is nie.

Straathandel mag nie met bestaande besighede kompeteer nie

9. Niemand doen sake as 'n straathandelaar op 'n soom aanliggend tot 'n deel van 'n gebou waarin iemand besigheid, uitgesonderd die besigheid van afdelingswinkel, supermark of groothandelaar doen, en die ware of dienste wat die straathandelaar verkoop of lewer, van dieselfde aard of soortgelyk is aan die ware wat verkoop word of die dienste wat gelewer word deur die ander persoon nie.

Straathandel beperk tot toegewese persele of stalletjies in sekere aangewese gebiede

10. (1) Wanneer die Munisipale Bestuurder aan 'n aansoeker toestemming verleen om sake te doen as 'n straathandelaar, kan hy of sy 'n spesifieke afgebakende perseel of stalletjie in 'n aangewese gebied aan die aansoeker toeken, en geen ander persoon, uitgesonderd sy of haar assistent of werknemer, doen sake op of vanaf sodanige perseel of stalletjie nie.

(2) 'n Straathandelaar aan wie 'n spesifieke perseel of stalletjie toegeken is –

(a) doen sake alleen op of vanaf sodanige perseel of stalletjie;

(b) onderverhuur nie of dra nie aan enigiemand anders die reg om sake op of vanaf sodanige perseel of stalletjie te doen oor nie;

(c) moet in besit wees van bewys dat toestemming aan hom of haar verleen is om sake op of vanaf die betrokke perseel of stalletjie te doen en sodanige bewys op versoek aan 'n gemagtigde beampte toon.

(3) Die aangewese gebiede waarbinne straathandel alleen vanaf 'n spesifieke afgebakende perseel of stalletjie gedoen mag word, word in Deel 2 van die Bylae gelys.

Straathandel verbode naby plekke van aanbidding, monumente en sekere geboue

11. Niemand doen sake as 'n straathandelaar op 'n soom aanliggend aan –

(a) die plek van aanbidding van enige geloof of denominasie nie;
(b) 'n historiese monument nie;
(c) 'n gebou wat vir openbare doeleindes gebruik word nie;
(d) 'n gebou wat uitsluitlik vir bewoningsdoeleindes gebruik word nie, indien –

(i) die eienaar, persoon in beheer of bewoner van enige deel van die gebou wat op die betrokke soom front, skriftelik teen sodanige handel beswaar by die Munisipaliteit aangeteken het; en

(ii) die feit dat sodanige beswaar aangeteken is, skriftelik deur die Munisipaliteit aan die betrokke straathandelaar bekend gemaak is.

Vertoon van tekens deur die Munisipaliteit

12. Die Munisipaliteit kan enige teken of kennisgewing vertoon om gevolg te gee aan die bepalings van hierdie Verordening.

Straathandel vanaf beweegbare stalletjies

13. Ondanks die bepalings van hierdie Verordening, kan die Munisipaliteit tenders toeken aan persone om vanaf beweegbare stalletjies sake te doen, onderworpe aan die voorwaardes deur die Munisipaliteit bepaal.

Verwydering en skut

14. (1) 'n Gemagtigde beampte kan enige voorwerp, houer, voertuig of struktuur –

(a) wat hy of sy redelikerwys vermoed gebruik word of gebruik is vir of in verband met straathandel; en

(b) wat hy of sy op 'n plek aantref waar straathandel beperk of verbode is ingevolge hierdie Verordening, en wat, na sy of haar oordeel, 'n oortreding van hierdie Verordening uitmaak,

verwyder en skut.

(2) 'n Gemagtigde beampte wat ingevolge hierdie Verordening optree –

(a) hou behoorlik rekord van alle eiendom aldus verwyder en deel die persoon oënskynlik in beheer van die eiendom (indien daar so iemand is), mee wat die prosedure is wat gevolg moet word om die eiendom weer op te eis en waar dit geskut sal word; en

(b) gee sonder versuim die eiendom by die skut in paragraaf (a) bedoel af.

(3) Eiendom verwyder en geskut soos beoog in subartikel (1) –

(a) kan, indien dit bederfbaar is, binne 'n redelike tyd nadat dit geskut is, verkoop of vernietig word: Met dien verstande dat sodanige eiendom, behoudens subartikel (4), te eniger tyd voor die vernietiging of verkoop daarvan, teruggegee moet word by bewys van eienaarskap en: Met dien verstande voorts, dat die bederfbare goedere nog geskik is vir menslike gebruik;

(b) word, behoudens subartikel (4), indien dit nie-bederfbaar is nie, by bewys van eienaarskap, binne 1 maand vanaf die datum waarop dit geskut is, terugbesorg.

(4) Die Munisipaliteit behou die betrokke eiendom totdat vir alle uitgawes betaal is, by gebrek waarna die eiendom by openbare verkoping, waarvan 14 dae kennis gegee is, van die hand gesit word: Met dien verstande dat waar die goedere waarop beslaggelê is, bederfbaar is, die gemagtigde beampte die tydperk van 14 dae in so 'n mate kan verkort, as wat hy of sy goeddink, of die bederfbare goedere vernietig, wat ookal die lonendste is.

(5) Waar eiendom wat geskut is deur die Munisipaliteit verkoop word, word die opbrengs van die verkoping, min die redelike uitgawe deur die Munisipaliteit aangegaan in verband met die verwydering, skut of beskikking oor die eiendom, aan die persoon wat die eienaar van die eiendom was toe dit geskut is, betaal, maar indien die voormalige eienaar nie die genoemde opbrengs binne 3 maande vanaf die datum waarop die eiendom verkoop is, opeis nie, word die opbrengs aan die Munisipaliteit verbeur en in 'n spesiale fonds, deur die Munisipaliteit opgerig vir ontwikkeling van die informele sektor en sake wat daarmee in verband staan, inbetaal.

(6) Die eienaar van eiendom wat verwyder, geskut, verkoop of vernietig word, soos beoog in hierdie artikel, is verantwoordelik vir alle uitgawes deur die Munisipaliteit aangegaan in verband met die verwydering, skut, verkoop of vernietiging van die eiendom.

Misdrywe

15. Enigiemand wat –

(a) 'n bepaling van hierdie Verordening oortree of nie daaraan voldoen nie;

(b) 'n kennisgewing, teken of merk vertoon of opgerig ingevolge hierdie Verordening ignoreer, verontagsaam of nie gehoorsaam nie;

(c) 'n goedkeuring of voorwaarde ingevolge hierdie Verordening verleen of opgelê, oortree of versuim om daaraan te voldoen;

(d) 'n geskrewe wettige opdrag van die Munisipaliteit om sy of haar eiendom te skuif of te verwyder verontagsaam;

(e) doelbewus valse of misleidende inligting aan 'n beampte of werknemer van die Munisipaliteit verstrek; of

(f) 'n beampte of werknemer van die Munisipaliteit dreig, teenstaan, dwarsboom of hinder in die uitoefening van sy of haar magte, pligte of werksaamhede kragtens hierdie Verordening,

is aan 'n misdryf skuldig.

Strafbepaling

16. Iemand wat skuldig bevind word aan 'n misdryf kragtens hierdie Verordening, is strafbaar met 'n boete of gevangenisstraf van hoogstens 1 jaar of met beide 'n boete en daardie gevangenisstraf.

Middellike aanspreeklikheid van persone wat sake doen as straathandelaars

17. (1) Wanneer die werknemer of assistent van iemand wat as straathandelaar sake doen, iets wat 'n misdryf ingevolge hierdie Verordening sou wees, doen of nalaat, word dit geag dat daardie persoon self die handeling verrig of die versuim begaan het, tensy hy of sy die hof oortuig dat hy of sy –

(a) nóg die doen of late van die betrokke werknemer of assistent oogluikend toegelaat het, nóg dit veroorloof het; en

(b) alles redelik gedoen het om die doen of late te voorkom.

(2) Die feit dat die straathandelaar beweer dat hy of sy instruksies uitgereik het waardeur 'n doen of late verbied word, is nie insigself afdoende bewys dat hy of sy alles redelik gedoen het om die doen of late te voorkom nie.

Middellike aanspreeklikheid van werknemers en assistente

18. Wanneer iemand wat sake doen as straathandelaar ingevolge artikel 17 aanspreeklik is vir 'n doen of late van 'n werknemer of assistent, is daardie werknemer of assistent ook aanspreeklik asof hy of sy die persoon is wat aldus sake doen.

Herroeping van wette en voorbehoude

19. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

20. Hierdie Verordening heet die Verordening op die Beheer van Straathandel, 2008

Verordening no. 6, 2008

VERORDENING OP DIE BEHEER OOR ADVERTENSIETEKENS EN ONTSIERING VAN VOORKANTE OF FRONTE VAN STRATE, 2008

VERORDENING

Om voorsiening te maak vir die beheer oor advertensietekens en die verbod op ontsiering van die voorkante of fronte van strate in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**diepte**" van 'n teken die vertikale afstand tussen die hoogste en laagste rande van so 'n teken;

"**dikte**" van 'n teken wat uitsteek die horisontale afmeting van sodanige teken, gemeet ewewydig met die vlak van die hoofmuur waaraan sodanige teken aangebring is;

"**flitsteken**" enige verligte teken waarvan die uitgestraalde lig nie in alle opsigte konstant bly nie;

"**gemagtigde werknemer**" enige werknemer wat deur die Munisipaliteit daartoe gemagtig is;

"**hoofmuur**" van 'n gebou enige buitemuur van sodanige gebou, maar nie ook 'n borswering, balustrade of reling van 'n veranda of 'n balkon nie;

"**lopende lig**" 'n deel van 'n advertensie in die vorm van 'n verligte strook, waarvan die verligting periodiek sodanig wissel dat dit die indruk wek van 'n patroon van liggies wat voordurend langs sodanige strook beweeg;

"**lugteken**" enige teken wat bokant die dak van 'n gebou, uitgesonderd 'n dak van 'n veranda of 'n balkon bevestig is en ook enige sodanige teken wat uit 'n enkel reël vrystaande, afsonderlike, uitgesnyde silhoeëtletters, simbole of embleme bestaan;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**nuwe teken**" enige teken wat vir die eerste maal na die afkondiging van hierdie Verordening vertoon word;

"**onbelemmerde hoogte**" van 'n teken die vertikale afstand tussen die laagste rand van sodanige teken en die vlak van die grond, voetpad of ryweg onmiddellik onderkant sodanige teken;

"**openbare pad**" enige pad, straat of deurgang of enige ander plek wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of 'n deel daarvan die reg van toegang het en ook –

(a) die soom van enige sodanige pad, straat of deurgang;
(b) enige voetpad, sypaadjie of soortgelyke voetganger gedeelte van 'n padreserwe;
(c) enige brug, pont of drif waarvoor of waardeur enige sodanige pad, straat of deurgang loop;
(d) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat, deurgang, voetpad of sypaadjie; en
(e) enige perseel, met of sonder geboue of strukture daarop, wat gebruik word of daargestel is as 'n openbare parkeerarea of openbare parkeerplek vir die parkering van motorvoertuie ongeag of toegang tot sodanige parkeerplek of parkeerarea gratis is al dan nie;

"**persoon**" met betrekking tot die vertoning of verandering van of die toevoeging tot 'n teken, of met betrekking tot die voorgenome of gepoogde vertoning of verandering van of toevoeging tot 'n teken, ook die persoon op wie se versoek sodanige teken vertoon, verander of daaraan toegevoeg word, of op wie se versoek dit die voorneme is of gepoog word om sodanige teken te vertoon, te verander of daaraan toe te voeg, na gelang van die geval en die persoon na wie, of na wie se goedere, produkte, dienste, bedrywighede, eiendom of perseel in sodanige teken verwys word, word geag sodanige persoon te wees tensy sodanige persoon die teendeel bewys;

"**plakkaat**" enige aanplakbiljet of dergelike middel wat aan die een of ander vaste voorwerp bevestig is en waardeur enige advertensie of kennisgewing in die openbaar vertoon word;

"**plat teken**" 'n teken wat aan 'n hoofmuur bevestig of regstreeks daarop geverf is, en wat nêrens meer as 250 mm voor die oppervlakte van sodanige muur uitsteek nie, maar nie ook 'n plakkaat nie: Met dien verstande egter dat 'n plakkaat wat aan 'n hoofmuur bevestig is, as 'n plat teken beskou word as sodanige plakkaat –

(a) 'n oppervlakte van minstens 0,80 m^2 het;
(b) omrand is deur 'n permanente omlysting wat aan sodanige hoofmuur bevestig is; en
(c) te alle tye in 'n ongeskonde en sindelike toestand gehou word;

"**sweefteken**" enige teken wat aan 'n vlieër, ballon, vliegtuig of enige ander toestel bevestig is waardeur dit in die lug hang bokant enige deel van die gebied onder die jurisdiksie van die Munisipaliteit;

"**teken**" enige teken, uithangbord, skerm, private lamp, blinding of ander toestel deur middel waarvan 'n advertensie of kennisgewing in die openbaar vertoon word;

"**teken wat uitsteek**" enige teken wat aan 'n hoofmuur bevestig is en wat op die een of ander punt meer as 250 mm voor die oppervlakte van sodanige muur uitsteek;

"**totale hoogte**" van 'n teken die vertikale afstand tussen die heel boonste rand van sodanige teken en die vlak van die grond, voetpad of ryweg onmiddellik onderkant sodanige teken; en

"**vertoning van 'n teken**" ook die oprigting van enige struktuur indien sodanige struktuur uitsluitend of hoofsaaklik bedoel is om sodanige teken te dra en die uitdrukking "**om 'n teken te vertoon**" het 'n ooreenstemmende betekenis.

Aanhegting van plakkate en tekens verbode

2. Behoudens die bepalings van hierdie Verordening, mag niemand 'n plakkaat of ander teken aanbring op die voorkant of front van enige openbare pad, muur, heining, grond,

rots, boom of ander natuurvoorwerp, of op die voorkant, front of dak van enige gebou nie.

Indiening en goedkeuring van aansoek om 'n teken te vertoon

3. (1) Uitgesonderd soos in artikel 22(2) bepaal, moet iedereen wat voornemens is om 'n nuwe teken te vertoon of om 'n bestaande teken te verander of daaraan toe te voeg (hierna die "aansoeker" genoem), skriftelik op die vorm wat in die Bylae van hierdie Verordening voorgeskryf word, by die Munisipaliteit aansoek doen en daarmee planne indien wat in ooreenstemming met die volgende vereistes geteken is:

(i) (aa) Die planne moet met swart ink op natreklinne of stewige duursame tekenpapier geteken wees, of hulle moet linneafdrukke met swart strepe op 'n wit agtergrond wees.

(bb) Bedoelde vorm en planne moet in duplo wees (waarvan een stel die eiendom van die Munisipaliteit word) en moet deur die aansoeker, of deur iemand wat skriftelik deur die aansoeker gemagtig is om namens die aansoeker te teken, met ink gedateer en onderteken wees, en alle wysigings en verbeterings aan sodanige vorm en planne moet op dergelike wyse gedateer en onderteken wees.

(ii) (aa) Waar die teken aan 'n gebou bevestig moet word, moet die planne 'n vertikale aansig en 'n deursnee van die fasade en, waar nodig, van die dak van die gebou insluit, geteken volgens 'n skaal van 1:100, waarop die teken, enige ander tekens wat aan sodanige fasade of dak bevestig is, en genoeg van die vernaamste boukundige eienskappe van bedoelde fasade of dak geteken is om die posisie van die teken met betrekking tot sodanige ander tekens en eienskappe aan te dui.

(bb) Die posisie van die teken in verhouding tot die grondhoogte en, waar nodig, moet die randsteenlyn ook op sodanige vertikale aansig en deursnee aangetoon word.

(iii) Waar die teken nie aan 'n gebou bevestig gaan word nie, moet die posisie van die teken in verhouding tot die grondhoogte en, waar nodig, die randsteenlyn aangetoon word op 'n vertikale aansig, plan en deursnee wat volgens 'n skaal van 1:100 geteken is.

(iv) Aansigte, insluitende volledige besonderhede van die inhoud soos in artikel 6 omskryf, planne en deursnee van die teken self, soos wat nodig is om aan te dui of dit aan hierdie Verordening voldoen, akkuraat geteken volgens 'n skaal wat groot genoeg is (maar in geen geval minder as 1:50 nie), moet ook ingesluit word.

(v) Die planne moet volledige besonderhede van die struktuurstutte van die teken aantoon, geteken volgens 'n skaal van 1:20.

(vi) Die planne moet ook 'n terreinplan insluit, geteken volgens 'n skaal van 1:200 waarop die posisie van die teken en die gebou, indien daar is, waaraan dit bevestig gaan word, duidelik en akkuraat aangetoon word in verhouding tot enige van die grense van die erf wat deur sodanige posisie geraak word en waarop die naam van die aangrensende straat en die

afstand na en die naam van die naaste dwarsstraat waaraan 'n naam toegewys is, vermeld word, en die rigting van die geografiese noorde aangedui word.

(vii) Op die planne moet aangedui word die materiaal waaruit die teken vervaardig gaan word, die wyse waarop die belettering daarop uitgevoer gaan word, die kleure wat gebruik gaan word, en of die teken verlig gaan wees al dan nie, en in laasgenoemde geval moet die planne aandui of die teken 'n flitsteken is of nie, en indien die teken 'n flitsteken is, moet volledige besonderhede van die periodisiteit daarvan en wisselings of veranderings in voorkoms verstrek word.

(2) (a) Ondanks die bepalings van subartikel (1), is dit wettig, onderworpe aan die bepalings van artikel 6(1), om sonder die toestemming van die Munisipaliteit enige plakkaat te vertoon en om 'n plakkaat deur 'n ander plakkaat van dieselfe grootte te vervang indien sodanige plakkaat soos voornoem, vertoon word by 'n bioskoop of skouburg, of ander openbare vermaaklikheidsplek, of op 'n skutting waarvan die oprigting en gebruik vir hierdie doel deur die Munisipaliteit gemagtig is, of as dit 'n plakkaat is wat ingevolge artikel 1 as 'n plat teken beskou word.

(b) Die Munisipaliteit kan, onderworpe aan die voorwaardes wat hy goed dink, toestemming daartoe verleen dat plakkate tydens spesiale geleenthede soos verkiesings, feesvierings, universiteite se jooloptogte, ens. vertoon word.

(3) Die Munisipaliteit moet, binne 21 dae na ontvangs van die vorm en planne waarna in subartikel (1) verwys word, aan die aansoeker besonderhede verstrek van die bepalings, indien daar is, van hierdie Verordening of van enige ander wet wat die Munisipaliteit gelas of gemagtig is om toe te pas, en waaraan sodanige vorm of planne nie voldoen nie en die Munisipaliteit kan, indien die Munisipaliteit dit nodig ag, die vorm en planne aan die aansoeker terugstuur.

(4) As die vorm en planne aan hierdie Verordening en enige ander wet soos voornoem, voldoen, moet die Munisipaliteit hulle goedkeur en een stel daarvan aan die aansoeker stuur.

(5) Goedkeuring wat ooreenkomstig subartikel (4) toegestaan word, is van nul en gener waarde indien die teken nie binne 12 maande van die datum van sodanige goedkeuring ooreenkomstig die goedgekeurde vorm en planne voltooi is nie.

Bestaande tekens moet aan Verordening voldoen

4. (1) (a) Elke teken wat op die datum van afkondiging van hierdie Verordening bestaan, moet in alle opsigte daarmee in ooreenstemming gebring word binne 'n tydperk van 1 jaar van die datum van sodanige afkondiging.

(b) Waar enige teken na voornoemde tydperk van 1 jaar nie aldus daaraan voldoen nie, moet dit onverwyld verwyder word.

(2) Waar 'n teken wat nie aan die bepalings van hierdie Verordening voldoen nie, nie binne bovermelde tydperk van 1 jaar daarmee in ooreenstemming gebring is nie, of waar 'n teken opgerig is wat nie daarmee in ooreenstemming is nie, kan die Munisipaliteit die eienaar daarvan gelas om sodanige teken te verwyder.

(3) Wanneer ook al 'n nuwe teken weens verandering van eiendomsreg of okkupasie of verandering in die aard van die besigheid, nywerheid, bedryf of beroep wat op 'n perseel uitgeoefen word of weens die oprigting van nuwe verkeerseinligte of weens 'n verandering in die hoogte of posisie van enige straat, voetpad of randsteen, of weens enige ander rede hoegenaamd, ophou om aan hierdie Verordening te voldoen, moet sodanige teken onmiddellik deur die persoon wat sodanige teken vertoon, verwyder, uitgewis of verander word om aan hierdie Verordening te voldoen.

Toepassing

5. (1) Iedereen wat sonder die voorafverkreë goedkeuring van die Munisipaliteit, verleen ingevolge artikel 3, waar sodanige goedkeuring ingevolge genoemde artikel 3 vereis word, 'n nuwe teken vertoon of probeer vertoon, of 'n bestaande teken verander of daaraan toevoeg of probeer om dit te verander of daaraan toe te voeg, is skuldig aan 'n misdryf.

(2) Enige sodanige persoon moet, nadat 'n skriftelike lasgewing te dien effekte gegee onder die hand van die gemagtigde werknemer van die Munisipaliteit op hom of haar gedien is, onmiddellik alle werk in verband met die vertoning van sodanige nuwe teken staak of laat staak, of enige verandering aan of toevoeging tot sodanige bestaande teken staak of laat staak, na gelang van die geval, en enige sodanige persoon wat in gebreke bly om sodanige lasgewing na te kom, is skuldig aan 'n misdryf.

(3) Iedereen wat, nadat so 'n persoon sodanige goedkeuring verkry het, enigiets in verband met 'n teken doen wat afwyk van enige vorm of plan wat deur die Munisipaliteit goedgekeur is, is skuldig aan 'n misdryf.

(4) Enige sodanige persoon moet, nadat 'n skriftelike lasgewing te dien effekte gegee onder die hand van die gemagtigde werknemer van die Munisipaliteit op sodanige persoon gedien is, onmiddellik sodanige afwyking staak of laat staak, en iedereen wat in gebreke bly om sodanige lasgewing na te kom, is skuldig aan 'n misdryf.

(5) Ongeag of sodanige lasgewing waarna in subartikels (2) en (4) verwys word, op enige sodanige persoon gedien is of nie, kan die Munisipaliteit op so iemand 'n skriftelike lasgewing dien, waarin van so iemand vereis word om onmiddellik 'n begin te maak met die verwydering of uitwissing van sodanige teken of enigiets waarna in subartikel (3) verwys word, en om sodanige verwydering of uitwissing te voltooi voor of op 'n datum wat in sodanige lasgewing bepaal word, en wat deur die Munisipaliteit verleng kan word al na hy goed dink.

(6) Indien sodanige persoon voor die datum vir die voltooiing van die verwydering of uitwissing wat ingevolge sodanige lasgewing vereis word, die Munisipaliteit daarvan oortuig dat so 'n persoon hierdie Verordening nagekom het, kan die Munisipaliteit sodanige lasgewing intrek.

(7) Waar iemand wat 'n teken vertoon, 'n bepaling van hierdie Verordening, uitgesonderd dié met betrekking tot die sake waarna in subartikels (1) en (3) verwys word, oortree, kan die gemagtigde werknemer van die Munisipaliteit 'n skriftelike kennisgewing onder sy of haar hand op sodanige persoon dien, en in sodanige kennisgewing moet hy of sy die bepalings aanhaal wat oortree is en in besonderhede die dinge vermeld wat gedoen moet word ten einde aan sodanige bepalings te voldoen.

(8) Iedereen wat in gebreke bly om 'n lasgewing waarna in subartikel (5) verwys word, of die bepalings van 'n kennisgewing waarna in subartikel (7) verwys word, na te kom, is skuldig aan 'n misdryf, en daarbenewens kan die Munisipaliteit self op koste van sodanige persoon gevolg gee aan sodanige lasgewing of kennisgewing.

Inhoud van tekens

6. (1) Geen teken op enige perseel mag enige woorde, letters, syfers, simbole, prente of ander middels (hierna die "inhoud" genoem) bevat nie, tensy elke deel van sodanige inhoud in een of meer van die volgende kategorieë val:

(a) Die naam, adres en telefoonnommer van sodanige perseel of gedeelte daarvan.

(b) Die naam van die okkupeerder van sodanige perseel of gedeelte daarvan.

(c) 'n Algemene beskrywing van die soort handel, nywerheid, besigheid of beroep wat wettiglik op sodanige perseel of gedeelte daarvan deur die okkupeerder daarvan gedryf of uitgeoefen word.

(d) Enige inligting, aanbeveling of aanprysing in verband met, of enige naam, beskrywing, besonderhede of ander aanduiding van –

(i) enige goedere wat nie monsters is nie en wat gereeld en wettiglik op sodanige perseel vervaardig, gehou en verkoop word, of vir verkoop gehou en aangebied word; of

(ii) enige dienste wat gereeld en wettiglik op sodanige perseel gelewer of aangebied word; of

(iii) enige verversingsdiens of enige onthaal of vermaaklikheid of enige kulturele, opvoedkundige, ontspannings-, sosiale of dergelike geriewe wat wettig op sodanige perseel verskaf of beskikbaar gestel word, of enige vergadering, byeenkoms of samekoms wat wettig op sodanige perseel plaasvind:

Met dien verstande dat hierdie paragraaf nie uitgelê moet word as sou dit enige inhoud toelaat wat na die mening van die Munisipaliteit 'n ontwyking van of nie in ooreenstemming met die bedoeling van hierdie paragraaf is nie.

(2) Ondanks die bepalings van subartikel (1), in die geval van 'n perseel wat gedeeltelik of geheel en al vir woondoeleindes gebruik word, mag geen teken behalwe die naam van sodanige perseel vertoon word op die deel van sodanige perseel wat vir woondoeleindes gebruik word nie.

(3) Die bepalings van hierdie artikel is nie van toepassing op enige teken waarna in paragraaf (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xv) of (xvi) van artikel 22(2) verwys word nie.

(4) Waar 'n teken vertoon word deur middel van 'n toestel waardeur 'n reeks opeenvolgende tekens op een plek vertoon word, is die bepalings van subartikel (1), onderworpe aan die volgende voorwaardes, nie van toepassing op enige sodanige teken wat aldus vertoon word nie:

(a) Geen teken in sodanige reeks, uitgesonderd 'n teken wat kragtens subartikel (1) toegelaat word, mag vir 'n tydperk van langer as 20 sekondes op 'n keer vertoon word nie.

(b) Die afsonderlike tekens wat agtereenvolgens binne enige bepaalde tydperk van 10 minute vertoon word, moet almal geheel en al van mekaar verskil vir sover dit inhoud betref: Met dien verstande dat hierdie paragraaf nie van toepassing is op enige teken wat kragtens subartikel (1) toegelaat word nie.

(c) Waar sodanige toestel in staat is om nuus te vertoon of om vermaaklikheid te verskaf, mag dit nie in werking gestel word in 'n posisie of plek waar sodanige werking, na die mening van die Munisipaliteit, ophoping van voertuig- of voetgangerverkeer kan veroorsaak of vererger nie.

(d) Ongeag of sodanige toestel in staat is om nuus te vertoon of vermaaklikheid te verskaf of nie, mag dit nie in werking gestel word in 'n posisie of plek waar sodanige werking of enige samekoms van persone wat daardeur veroorsaak word, na die mening van die Munisipaliteit, afbreuk kan doen aan die geriewe van die omgewing of die waarde van eiendom kan laat verminder of 'n openbare oorlas kan veroorsaak nie.

(e) Geen sodanige teken mag 'n onbelemmerde hoogte van minder as 9 m hê nie.

(f) Ondanks die feit dat die Munisipaliteit goedkeuring verleen het vir die vertoning van die tekens waarna in hierdie subartikel verwys word, besit die Munisipaliteit die reg om te eniger tyd daarna sodanige goedkeuring in te trek as hy oortuig is dat die vertoning van sodanige tekens in stryd is met paragraaf (a), (b) of (e) of die oorsaak is dat die toestande waarna in paragraaf (c) of (d) verwys word, ontstaan of ontstaan het.

(5) (a) Waar die Munisipaliteit, deur middel van 'n skriftelike kennisgewing, enige persoon wat die tekens vermeld in subartikel (4) vertoon, in kennis stel dat sy of haar goedkeuring van sodanige vertoning ingetrek is, moet sodanige persoon onmiddellik ophou om sodanige tekens te vertoon en die toestel deur middel waarvan sodanige tekens vertoon word, verwyder voor of op 'n datum wat in sodanige kennisgewing bepaal moet word, en sodanige datum kan deur die Munisipaliteit na goeddunke verleng word.

(b) Iedereen wat in gebreke bly om aan 'n kennisgewing waarna in paragraaf (a) verwys word, te voldoen, is skuldig aan 'n misdryf en daarbenewens kan die Munisipaliteit self op koste van sodanige persoon aan sodanige kennisgewing uitvoering gee.

Tekens op geboue toegelaat

7. Die volgende tekens en geen ander nie kan aan geboue bevestig of daarop geverf word: Met dien verstande dat die Munisipaliteit die oprigting van enige van of al die onderstaande tekens of die gebruik van sekere kleure daarin kan verbied:

(a) Plat tekens.
(b) Tekens wat uitsteek.
(c) Lugtekens.
(d) Tekens wat aan verandas of balkonne bevestig of daarop geverf is.

(e) Tekens geverf op sonblindings wat aan geboue bevestig is.
(f) Enige teken waarna in paragrawe (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv) (xv) en (xvi) van artikel 22(2) verwys word, mits al die voorwaardes van toepassing op sodanige teken nagekom word.

Plat tekens

8. (1) Die totale oppervlakte van plat tekens mag hoogstens 40 m^2 wees of een-kwart van die totale oppervlakte van die hoofmuur waaraan hulle bevestig of waarop hulle geverf is, watter ook al die kleinste oppervlakte is: Met dien verstande dat die Munisipaliteit 'n kleiner totale oppervlakte vir enige plat teken kan vasstel.

(2) Geen plat teken mag bokant sodanige hoofmuur of verby enige ent van sodanige hoofmuur uitsteek nie.

(3) (a) Waar 'n gebou wat aan 'n ander gebou grens en wat uitsteek oor die grenslyn van die toekomstige breedte van 'n geproklameerde pad of openbare pad, of geheel en al of gedeeltelik gesloop word en op so 'n wyse herbou word dat dit nie meer oor voornoemde grenslyn uitsteek nie, word geen plat teken toegelaat op die symuur van sodanige ander gebou wat uitsien op die gebou wat aldus herbou is, vir sover genoemde symuur oor die voornoemde grenslyn uitsteek nie.

(b) Vir sover dit hierdie artikel betref, beteken –

(i) "toekomstige breedte" met betrekking tot 'n geproklameerde pad, die wetlike breedte soos beoog by enige wetgewing afgekondig deur enige wetgewende liggaam wat die wetlike bevoegdheid het om sodanige wetgewing oor sodanige saak te maak, en met betrekking tot 'n openbare pad beteken dit die breedte waartoe dit verbreed gaan word in ooreenstemming met 'n dorpsaanlegskema, ongeag of dit opgestel word, op goedkeuring wag of in werking is;

(ii) "aangrensend" of "grens aan" 'n afstand van 6 m of minder.

Tekens wat uitsteek

9. (1) Geen deel van 'n teken wat uitsteek, mag voor die hoofmuur waaraan sodanige teken bevestig is, verder uitsteek nie as –

(i) 1,5 m in die geval van 'n teken wat 'n onbelemmerde hoogte van minstens 7,5 m het; of

(ii) 1 m in die geval van enige ander teken:

Met dien verstande egter dat waar 'n teken 'n onbelemmerde hoogte van minder as 7,5 m het –

(a) enige deel van sodanige teken wat nie meer as 600 mm in diepte is nie, meer as 1 m maar nie meer as 1,5 m nie kan uitsteek soos voormeld: Met dien verstande voorts dat daar 'n onbelemmerde vertikale afstand van minstens 3,6 m moet wees tussen enige twee agtereenvolgende dele, indien daar is, wat aldus uitsteek; en

(b) enige sodanige teken wat nie meer as 600 mm in diepte is nie, meer as 1 m maar nie meer as 1,5 m nie kan uitsteek soos voormeld: Met dien verstande voorts dat daar 'n onbelemmerde vertikale afstand van minstens 3,6 m moet wees tussen enige twee sodanige tekens, indien daar is, wat in dieselfde vertikale vlak is.

(2) Geen teken wat uitsteek, mag bokant die bopunt van die hoofmuur waaraan dit bevestig is, uitsteek nie.

(3) Die diepte van 'n teken wat uitsteek, mag nie een-en-'n-kwart maal die onbelemmerde hoogte van sodanige teken oorskry nie.

(4) 'n Teken wat uitsteek, mag nie 'n dikte van meer as 600 mm hê nie.

Lugtekens

10. (1) Die diepte van 'n lugteken mag nie meer wees as een-sesde van die onbelemmerde hoogte van sodanige lugteken nie.

(2) Geen lugteken mag voor 'n hoofmuur van 'n gebou uitsteek sodat dit, volgens bo-aansig, verby die dak van sodanige gebou in enige rigting uitsteek nie.

(3) Die lengte van 'n lugteken mag nie meer wees as –

(i) 14 m as die diepte van sodanige lugteken nie meer as 4,5 m is nie; of

(ii) 18 m as die diepte van sodanige lugteken meer as 4,5 m is nie.

(4) Onderworpe aan die voorafgaande bepalings van hierdie artikel kan die Munisipaliteit 'n lugteken van langer as 18 m toelaat as die straatfront van 'n perseel 55 m oorskry: Met dien verstande dat –

(i) sodanige lugteken uit 'n enkele reël vrystaande, afsonderlike, uitgesnyde silhoeëtletters, simbole of embleme moet bestaan; en

(ii) die lengte van sodanige lugteken hoogstens een-derde van die lengte van die padfront van so 'n perseel mag wees; en

(iii) sodanige lugteken parallel met die padfront van sodanige perseel opgerig moet word; en

(iv) as sodanige lugteken nie langer voldoen aan die voorafgaande bepalings van hierdie artikel nie weens die vermindering van die lengte van die padfront van sodanige perseel, die eienaar van sodanige perseel onverwyld sodanige lugteken moet verwyder of dit moet verander sodat dit aan sodanige bepalings voldoen.

Tekens op verandas en balkonne

11. (1) Die volgende tekens en geen ander nie mag aan verandas en balkonne bevestig of daarop geverf word:

(i) Tekens wat plat bevestig is aan of geverf is op 'n borswering, balustrade of reling van 'n veranda of 'n balkon.

(ii) Tekens wat plat bevestig is aan of geverf is op 'n balk of fassie van 'n veranda of 'n balkon.

(iii) Tekens wat onderkant die dak van 'n veranda of die vloer van 'n balkon hang.

(2) Geen teken wat aan 'n borswering, balustrade of reling van 'n veranda of 'n balkon bevestig is, mag meer as 1 m in diepte wees, of bokant of onderkant of verby enige ent van sodanige borswering, balustrade of reling uitsteek of meer as 250 mm voor sodanige borswering, balustrade of reling uitsteek nie.

(3) (a) Geen teken wat aan 'n balk of fassie van 'n veranda of balkon bevestig is, mag meer as 600 mm in diepte wees, of bokant of onderkant of verby enige ent van sodanige balk of fassie uitsteek, of meer as 250 mm voor sodanige balk of fassie uitsteek nie.

(b) Waar enige sodanige teken bevestig is aan 'n balk wat reghoekig met die boulyn en onderkant die dak van 'n veranda of die vloer van 'n balkon is, mag sodanige teken nie langer as 1,8 m wees nie.

(4) Geen teken wat onderkant die dak van 'n veranda of die vloer van 'n balkon hang, mag meer as 1,8 m in lengte of 600 mm in diepte wees nie en elk sodanige teken moet reghoekig met die boulyn wees.

(5) Ondanks die voorafgaande is dit toelaatbaar om 'n teken op die dak van 'n veranda of balkon op te rig: Met dien verstande dat –

(i) sodanige teken uit 'n enkele reël afsonderlike, alleenstaande, uitgesnyde silhoeëtletters moet bestaan;

(ii) sodanige teken geplaas moet word in die vertikale vlak wat deur die voorste rand van sodanige dak gaan, naamlik 'n rand parallel met die randsteenlyn;

(iii) die inhoud van sodanige teken beperk moet wees tot die waarna in paragrawe (a), (b) en (c) van artikel 6(1) verwys word; en

(iv) die diepte van sodanige teken hoogstens 600 mm mag wees.

(6) Ondanks die bepalings van artikel 17(1), is dit toelaatbaar dat 'n advertensie wat onderkant die dak van 'n veranda of die vloer van 'n balkon hang, van 'n rand bestaande uit lopende lig voorsien kan wees: Met dien verstande dat sodanige lopende ligrand hoogstens 75 mm breed mag wees.

Tekens oor voetpaaie wat deel uitmaak van openbare paaie en openbare paaie

12. (1) Enige teken wat uitsteek oor 'n voetpad wat deel van 'n openbare pad uitmaak moet 'n onbelemmerde hoogte van minstens 2,4 m hê: Met dien verstande dat 'n plat teken in die vorm van 'n uitstalkas vir die vertoning van goedere hoogstens 50 mm bo sodanige voetpad mag uitsteek indien sodanige voetpad minstens 1,5 m breed is, ongeag die onbelemmerde hoogte van sodanige uitstalkas.

(2) Enige teken wat meer as 150 mm uitsteek oor enige plek waar mense kan loop, indien sodanige plek nie 'n voetpad is wat deel van 'n openbare pad uitmaak nie, moet 'n onbelemmerde hoogte van minstens 2,1 m hê.

(3) Geen deel van 'n teken wat uitsteek oor 'n voetpad wat deel van 'n openbare pad uitmaak, mag nader as 300 mm aan 'n vertikale vlak deur die randsteenlyn van sodanige voetpad wees nie.

(4) Waar 'n openbare pad geen voetpad het nie, kan tekens oor die ryvlak van sodanige openbare pad uitsteek as sodanige tekens 'n onbelemmerde hoogte van minstens 6 m het.

Verbode tekens

13. (1) Ondanks enigiets in hierdie Verordening vervat, word die volgende soorte tekens verbied:

(a) Swaaitekens, los draagbare tekens (uitgesonderd tekens wat ontwerp is vir die doel om deur die strate gedra te word en tekens op draagbare rame of ander voorwerpe om goedere te bevat en te vertoon), sweeftekens en ander tekens wat nie onbeweeglik bevestig is nie.

(b) Plakkate, uitgesonderd –

(i) enige plakkaat waarna in artikel 3(2) van hierdie Verordening verwys word;

(ii) enige plakkaat wat 'n teken behels waarna in paragraaf (i), (ii), (iii), (iv), (v), (vi), (vii), (x), (xv) of (xvi) van artikel 22(2) van hierdie Verordening verwys word.

(c) Enige teken wat so geplaas is dat dit die doeltreffende werking van enige verkeersteken versper, onduidelik maak, belemmer of andersins moontlike verwarring daarin kan veroorsaak.

(2) Niemand mag enige advertensie, aanplakbiljet, plakkaat, gravure, prent, tekening, afdruk of foto van 'n onbetaamlike, onsedelike, weersinwekkende, walglike of aanstootlike aard of van 'n aard wat 'n skadelike of verderflike invloed op die publiek of 'n bepaalde klas persone kan hê, vertoon op 'n plek waartoe die publiek toegang het of dit blootstel op 'n plek waar die publiek dit kan sien nie.

(3) Iedereen wat die bepalings van subartikel (2) oortree, is skuldig aan 'n misdryf.

Tekens aan mure, heinings en skuttings

14. (1) Uitgesonderd soos in artikel 22 bepaal, mag geen teken aan 'n muur (behalwe 'n muur van 'n gebou), 'n heining of 'n skutting bevestig of daarop geverf word nie, tensy sodanige muur, heining of skutting na die mening van die Munisipaliteit in die eerste plaas daartoe dien om 'n toestand of eienskap van die eiendom waarop sodanige muur, heining of skutting opgerig is, te verberg, waar sodanige toestand of eienskap onooglik is as gevolg van die doeleindes waarvoor sodanige eiendom wettig gebruik word, of tensy sodanige muur, heining of skutting 'n tydelike maatreël is om die publiek in die omgewing van bou- of slopingswerk of dergelike bedrywighede te beskerm.

(2) By die verlening van die Munisipaliteit se goedkeuring ooreenkomstig artikel 3 vir die bevestiging of verf van enige sodanige teken, kan die Munisipaliteit sodanige goedkeuring net vir 'n beperkte tydperk verleen, en die bepalings van artikel 6 is nie op sodanige teken van toepassing nie.

(3) Elk sodanige teken wat ooreenkomstig hierdie artikel bevestig of geverf is, moet aan die volgende vereistes voldoen:

(i) Geen sodanige teken mag meer as 3 m in diepte of 4,2 m in totale hoogte wees nie.

(ii) Plakkaattekens moet in bepaalde panele wat eenvormig van grootte en vlak moet wees, omsluit wees.

Advertensies aan pale en ander strukture

15. (1) Behalwe soos in artikel 22 bepaal, mag geen advertensie bevestig word aan of geverf word op 'n paal of enige ander struktuur wat nie 'n gebou, muur, heining of skutting is nie, tensy –

(i) sodanige advertensie onontbeerlik is vir die doeltreffende bestuur van die bedrywigheid in verband waarmee dit vertoon word; en

(ii) òf

(aa) dit ondoenlik is om 'n advertensie doeltreffend op die betrokke perseel te vertoon behalwe deur 'n advertensie aan 'n paal of ander struktuur soos voornoem, te bevestig of 'n advertensie daarop te verf; òf

(bb) na die mening van die Munisipaliteit 'n bepaalde advertensie wat bedoel is om aan 'n paal of ander struktuur soos voornoem, bevestig of daarop geverf te word, nie afbreuk sal doen aan die aantreklikheid van die omgewing of die waarde van aangrensende eiendomme in 'n groter mate sal verminder as wat 'n advertensie wat op die perseel vertoon kan word ooreenkomstig enige ander artikel van hierdie Verordening, sou doen nie.

(2) Waar, na die mening van die Munisipaliteit, ernstige moeilikheid deur die publiek ondervind word om die weg na 'n fabriek in 'n nywerheidsone te vind, kan die Munisipaliteit toelaat dat 'n advertensiebord aan 'n paal op 'n onbeboude erf in sodanige sone opgerig word met die doel om die rigting na sodanige fabriek aan te dui, onderworpe aan die volgende voorwaardes:

(i) Hoogstens een sodanige advertensiebord mag op een enkele erf opgerig word, maar dit is toelaatbaar om die rigting na meer as een fabriek op enige sodanige advertensiebord aan te dui.

(ii) Die inhoud van die advertensies op sodanige advertensiebord moet tot die name van die betrokke fabrieke, die name van hul okkupeerders, en noodsaaklike rigtingsinligting beperk wees en die letters wat gebruik word, mag nie meer as 100 mm hoog wees nie.

(3) Waar dit na die Munisipaliteit se mening redelikerwys vereis word, kan die Munisipaliteit die oprigting van 'n advertensiebord aan 'n paal op 'n onbeboude erf in 'n dorpsgebied toelaat met die doel om 'n kaart daarop te vertoon wat die straatname en erfnommers van sodanige dorpsgebied aantoon, tesame met die naam en adres van die eienaar van of agent vir sodanige dorpsgebied en sodanige advertensiebord mag nie 3,6 m^2 in oppervlakte oorskry nie, en die letters wat daarop gebruik word, mag nie 100 mm in hoogte oorskry nie.

(4) Wanneer die Munisipaliteit sy goedkeuring kragtens artikel 3 verleen vir die vertoning van enige advertensie waarna in subartikel (1), (2) of (3) van hierdie artikel verwys word, kan die Munisipaliteit sodanige goedkeuring net vir 'n beperkte tydperk verleen en by die verstryking van sodanige tydperk moet die persoon wat sodanige advertensie vertoon, dit onmiddellik verwyder.

Tekens op voertuie en tekens wat deur die straat gedra word

16. (1) Niemand mag 'n plakkaatbord, lantern, vlag, banier, skerm of ander beweegbare advertensiemiddel in 'n openbare pad dra of laat dra indien sodanige bord, lantern, vlag, banier, skerm of ander middel die verkeer in sodanige pad hinder of versper of dit waarskynlik kan doen nie.

(2) Niemand mag 'n advertensiebestelwa of ander beweegbare advertensietoestel in 'n openbare pad bestuur of aandryf of laat bestuur of aandryf indien sodanige bestelwa of toestel die verkeer in sodanige pad hinder of versper of dit waarskynlik kan doen nie.

(3) Iedereen wat die bepalings van subartikels (1) of (2) oortree, is skuldig aan 'n misdryf.

Verligte tekens

17. (1) Geen flitsteken mag 'n onbelemmerde hoogte van minder as 9 m hê nie, en geen verligte teken mag in so 'n posisie vertoon word dat dit 'n gevaar vir die verkeer is of waarskynlik kan wees of verwarring met die verkeerstekens kan veroorsaak nie.

(2) Geen teken wat so skerp verlig is dat dit 'n oorlas veroorsaak, mag vertoon word nie.

Struktuurvereistes

18. (1) (a) Elke teken wat aan 'n gebou of struktuur bevestig is, moet stewig daaraan vasgemaak wees.

(b) Elke teken wat aan die grond bevestig is en elke struktuur wat 'n teken stut en wat aan die grond bevestig is, moet onbeweeglik aan die grond geanker wees.

(c) Elke teken en die stutte en verankerings daarvan, en die gebou of struktuur, indien daar is, waaraan dit bevestig is, moet sterk genoeg wees om, met 'n veiligheidsfaktor van 4, die rustende belasting van die teken en 'n opgelegde horisontale winddruk van 1,5 kPa te kan weerstaan.

(2) Alle tekens en die stutte daarvan wat aan messel- of klipwerk bevestig is, moet daaraan bevestig wees deur middel van uitdyboute of deur middel van boute wat deur sodanige messel- of klipwerk loop en aan die teenoorgestelde kant daarvan bevestig is en sodanige boute moet minstens 12 mm in diameter wees.

(3) Elke teken wat aan 'n gebou of 'n muur bevestig is, moet gestut wees deur minstens 4 onafhanklike stutte wat op so 'n wyse ontwerp en geplaas is dat enige 2 van sodanige stutte die teken veilig sal stut met 'n veiligheidsfaktor van 2.

(4) Alle oop metaalwerk in 'n teken of die stutte daarvan moet geverf of op 'n ander wyse behandel word om korrosie te voorkom, en alle houtwerk in 'n teken of die stutte daarvan moet met kreosoot of 'n ander bewaarmiddel behandel word om verwering te voorkom.

(5) Iedereen wat 'n teken vertoon, moet sodanige teken en die stutte daarvan te alle tye in 'n veilige toestand laat onderhou, en iedereen wat die bepalings van hierdie subartikel oortree, is skuldig aan 'n misdryf.

Gebruik van glas

19. Alle glas wat in tekens gebruik word (uitgesonderd glasbuise wat in neon- en dergelike tekens gebruik word), moet spieëlglas wees wat minstens 5 mm dik is.

Voorsorgmaatreëls teen brand

20. (1) Uitgesonderd soos in artikel 22 bepaal, moet alle verligte tekens en die stutte daarvan van onbrandbare materiaal wees: Met dien verstande dat die Munisipaliteit kan toelaat dat enige teken wat kragtens artikels 14 en 15 goedgekeur is en enige stut vir enige sodanige teken van brandbare materiaal mag wees.

(2) Niemand vertoon 'n teken op sò 'n manier of op sò 'n plek dat dit, geheel of gedeeltelik, 'n teken deur die Munisipaliteit vertoon om die ligging van noodtoerusting of 'n brandkraaneindpunt aan te dui verberg nie.

Elektrisiteitsvereistes

21. (1) Geen teken mag verlig word nie, behalwe deur middel van elektrisiteit van die Munisipaliteit se hoofleiding waar sodanige toevoer beskikbaar is.

(2) Elke teken in verband waarmee elektriese stroom gebruik word, moet voorsien wees van 'n buite-skakelaar in 'n posisie wat deur die Munisipaliteit vasgestel moet word, deur middel waarvan die elektrisiteitstoevoer na sodanige teken afgeskakel kan word.

Vrystellings

22. (1) Die bepalings van hierdie Verordening is nie op enige teken binne 'n gebou, uitgesonderd verligte tekens in winkelvensters, van toepassing nie.

(2) Enige teken wat onder die een of ander van die volgende kategorieë resorteer, word van die bepalings van artikels 3, 14, 15 en 20 vrygestel:

(i) Enige teken wat deur die Munisipaliteit of deur enige bus- of tremmaatskappy wat wettig gemagtig is om 'n vervoerstelsel vir gebruik deur die publiek te bestuur, vertoon word, en enige teken wat met die skriftelike toestemming van die Munisipaliteit aan 'n straatpaal bevestig is.

(ii) Enige teken binne 'n winkelvenster.

(iii) Enige advertensie wat in 'n koerant of tydskrif wat in die strate verkoop word, verskyn, en enige plakkaat in verband daarmee.

(iv) Enige teken wat tydelik vertoon word by geleentheid van –

(aa) enige openbare danksegging, vreugde- of roubetoning; of

(bb) enige ander openbare plegtigheid of geleentheid waarop die Munisipaliteit die bepalings van hierdie paragraaf van toepassing maak.

(v) Enige teken wat vertoon word op 'n voertuig wat gewoonlik op die openbare paaie beweeg, en enige teken wat daardeur gedra word.

(vi) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie en hoogstens 0,60 m^2 in oppervlakte is, wat alleenlik bekend maak dat die perseel waaraan dit bevestig is, verkoop gaan word op 'n datum in sodanige teken vermeld, of dat 'n verkoping van meubels of huisraad daarin gaan plassvind op 'n datum in sodanige teken vermeld (geeneen van sodanige datums mag meer as 1 maand wees na die datum waarop die teken vir die eerste maal vertoon word nie): Met dien verstande dat net 1 sodanige teken op enige openbare padfront van sodanige perseel vertoon word en dat dit verwyder word binne 7 dae na genoemde datum wat vermeld moet word.

(vii) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie en hoogstens 0,20 m^2 in oppervlakte is, wat alleenlik bekend maak dat die perseel waaraan dit bevestig is, te koop of te huur is of dat loseerders en kosgangers daarin opgeneem kan word: Met dien verstande dat net 1 sodanige teken op enige openbare padfront van sodanige perseel vertoon word.

(viii) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie en hoogstens 1,2 m^2 in oppervlakte is, wat net die naam, adres en telefoonnommer bevat van 'n gebou of perseel wat nie vir nywerheids- of bedryfsdoeleindes gebruik word nie, en wat aan sodanige perseel bevestig is: Met dien verstande dat net 1 sodanige teken op enige openbare padfront van sodanige perseel vertoon word.

(ix) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie en hoogstens 0,20 m^2 in oppervlakte is, wat alleenlik die soort bedryf, besigheid, nywerheid of beroep bekend maak wat wettiglik deur enige okkupeerder van die perseel waaraan dit bevestig is, gedryf of uitgeoefen word, die naam van sodanige okkupeerder, die adres en telefoonnommer van sodanige perseel en die spreekure (indien daar is): Met dien verstande dat net 1 sodanige teken deur 'n okkupeerder op enige openbare padfront van sodanige perseel vertoon word.

(x) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie en hoogstens 0,60 m^2 in oppervlakte is, wat 'n byeenkoms adverteer wat op 'n datum in sodanige teken bepaal en op die perseel waaraan dit bevestig is, gaan plaasvind: Met dien verstande dat sodanige byeenkoms nie vir eie rekening van enige persoon plaasvind nie: Met dien verstande voorts dat sodanige datum nie later is as 1 maand na die datum waarop sodanige teken vir die eerste keer vertoon word nie en ten slotte: Met dien verstande laastens dat net 1 sodanige teken op enige openbare padfront van sodanige perseel vertoon word en dat dit binne 7 dae na genoemde bepaalde datum verwyder word.

(xi) Enige onverligte teken wat nie oor 'n openbare pad uitsteek nie, wat alleenlik bedoel is as 'n waarskuwing of aanduiding van rigting met

betrekking tot die perseel waaraan sodanige teken bevestig is, en wat nie groter of hoër is as wat redelik nodig is vir die doeltreffende werkverrigting daarvan nie.

(xii) Enige teken wat regstreeks geverf is op, of deel uitmaak van die permanente struktuurwerk van 'n muur van 'n gebou.

(xiii) Enige teken wat op die glas van 'n venster geverf of op 'n ander wyse daarop uitgewerk is.

(xiv) Enige teken wat regstreeks op 'n veranda of balkon geverf is as dit aan artikel 11 voldoen.

(xv) Enige teken wat kragtens wet vertoon moet word.

(xvi) Enige teken wat op 'n perseel waarop bouwerksaamhede plaasvind, vertoon word in verband met enige dienste wat gelewer word, of enige werk wat verrig word, of enige goedere wat verskaf word in verband met sodanige werksaamhede: Met dien verstande dat enige sodanige teken onmiddellik verwyder moet word sodra die lewering van sodanige dienste of die verrigting van sodanige werk of die verskaffing van sodanige goedere, na gelang van die geval, opgehou het.

Voorbehoud

23. Geen bepaling van hierdie Verordening word uitgelê as sou dit op enige wyse enige regte wat behoort aan, of pligte wat opgelê is aan, die Munisipaliteit as die liggaam by wie die eiendomsreg op, of die beheer oor, enige openbare pad of ander plek of ding wat ook al binne sy regsgebied wettiglik berus, raak nie.

Afstanddoening van bepalings

24. (1) Die Munisipaliteit kan, indien hy dit wenslik ag in die openbare belang, afstand doen van voldoening aan die bepalings van hierdie Verordening of sodanige bepalings verslap: Met dien verstande dat enigeen wie se regte nadelig geraak word deur sodanige afstanddoening of verslapping nie daardeur gebind is nie.

(2) In elke geval waar sodanige afstand of verslapping aan 'n persoon toegestaan is moet die Munisipaliteit 'n skriftelike kennisgewing aan sodanige persoon beteken, waarin die betrokke bepaling waarvan afstand gedoen is of wat verslap is en die mate waarin daar van sodanige bepaling afstand gedoen is, aangegee word en daarbenewens moet die Munisipaliteit 'n register met 'n identiese afskrif van elk sodanige kennisgewing hou wat op die kantoor van die Munisipaliteit vir lede van die publiek ter insae beskikbaar moet wees.

Strafbepaling

25. Bykomend tot enige misdryf wat deur 'n spesifieke bepaling van hierdie Verordening geskep word, is iedereen wat enige bepaling van hierdie Verordening oortree of nalaat om daaraan te voldoen aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n straf van hoogstens –

(i) 'n boete of gevangenisstraf vir 'n tydperk van 1 jaar, òf sodanige boete of sodanige gevangenisstraf òf beide sodanige boete en sodanige gevangenisstraf;

(ii) in die geval van 'n voortdurende misdryf, met 'n addisionele boete van R50.00, of 'n addisionele tydperk van gevangenisstraf van 10 dae, òf sodanige addisionele boete of sodanige addisionele gevangenisstraf, òf beide sodanige addisionele boete en gevangenisstraf 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 aangegaan is as gevolg van sodanige oortreding of versuim.

Herroeping van wette en voorbehoude

26. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

27. Hierdie Verordening heet die Verordening op die Beheer oor Advertensietekens en Ontsiering van Voorkante of Fronte van Strate, 2008

Verordening No. 7, 2008

KREDIETBEHEER-, SKULDINVORDERINGS- EN WATERDIENSTE VERORDENINGE, 2008

VERORDENING

(AANGENEEM BY BESLUIT VAN DIE MUNISIPALE RAAD VAN THEMBELIHLE MUNISIPALITEIT)

Die Munisipaliteit van Thembelihle publiseer hiermee die Kredietbeheer-, Skuldinvorderings en Waterdienste verordeninge wat hieronder uiteengesit word. Dit is ingevolge artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, en ooreenkomstig artikel 13(a) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) afgekondig.

INHOUDSOPGAWE:

KREDIETBEHEER EN SKULDINVORDERINGS VERORDENING

HOOFSTUK 1: WOORDOMSKRYWING

1. Woordomskrywing
Vir die doel van hierdie verordeninge het enige woord of uitdrukking waaraan daar in die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet no. 32 van 2000), 'n betekenis toegeken is, dieselfde betekenis in hierdie verordeninge en, tensy die samehang die teendeel aandui, moet 'n woord wat een geslag aandui, gelees word asof dit ook na die ander geslag verwys —

"aansluiting" beteken die punt waar 'n klant toegang tot munisipale dienste kry;

"agterstallige bedrag" beteken 'n bedrag wat deur 'n klant verskuldig en betaalbaar is ten opsigte van 'n munisipale diens wat nie voor of op die betaaldatum betaal is nie;

"betaaldatum" beteken die datum waarop 'n bedrag wat ten opsigte van 'n rekening betaalbaar is, deur die klant verskuldig en betaalbaar word, welke datum nie minder mag wees nie as 21 dae na die datum waarop die rekening aan die klant gestuur is op enige wyse wat in artikel 56 bedoel word;

"eienaar" beteken —

a) die persoon op wie se naam die eienaarskap van die perseel van tyd tot tyd geregistreer is of sy agent;
b) waar die geregistreerde eienaar van die perseel insolvent of dood is of om enige ander rede nie handelingsbevoeg is nie, of enige vorm van handelingsonbevoegdheid het wat die uitwerking het dat dit hom verhoed om 'n regshandeling namens homself te verrig, die persoon by wie die administrasie en beheer van sodanige perseel as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidateur of ander regsverteenwoordiger berus;
c) waar die munisipaliteit nie die identiteit van die eienaar kan vasstel nie, 'n persoon wat 'n wettige reg in, of die voordeel van die gebruik van, 'n perseel, gebou of enige deel van 'n gebou het wat daarop geleë is;
d) waar 'n huurkontrak vir 'n tydperk van 30 (dertig) jaar of langer of vir die natuurlike lewe van die huurder of enige ander persoon wat in die huurkontrak genoem word, aangegaan is, of wat van tyd tot tyd na die keuse van die huurder onbepaald of vir 'n tydperk of tydperke wat, saam met die eerste tydperk van die huurkontrak, op 30 jaar te staan kom, hernu kan word, die huurder of enige ander persoon aan wie hy sy reg, titel en belang kragtens die huurkontrak sedeer het, of enige opvolger sonder teenwaarde van die huurder;
e) met betrekking tot —
    i) 'n stuk grond wat op 'n deeltitelplan ingevolge die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), geskets is, die ontwikkelaar of die regspersoon ten opsigte van die gemeenskaplike eiendom, of
    ii) 'n deel soos omskryf in die Wet op Deeltitels, 1986 (Wet no. 95 van 1986), die persoon op wie se naam sodanige deel kragtens 'n deeltitelakte geregistreer is en sluit in die wettig aangestelde agent van sodanige persoon; of
    iii) 'n persoon wat grond okkupeer kragtens 'n register wat deur 'n stamowerheid gehou word of ooreenkomstig 'n beëdigde verklaring wat deur 'n stamowerheid gemaak is;

"gedeelde verbruik" beteken die verbruik deur 'n klant van 'n munisipale diens gedurende 'n spesifieke tydperk, wat bereken word deur die totale gemeterde verbruik van daardie munisipale diens in die voorsieningsone waar die klant se perseel geleë is vir dieselfde tydperk deur die aantal klante binne daardie voorsieningsone gedurende daardie tydperk te deel;

"gemagtigde agent" beteken —

a) 'n persoon wat deur die munisipale raad gemagtig is om 'n handeling, funksie of plig ingevolge hierdie verordeninge te verrig of 'n bevoegdheid daarkragtens uit te oefen;
b) 'n persoon aan wie die munisipale raad 'n verantwoordelikheid, plig of verpligting ten opsigte van die verskaffing van inkomstedienste gedelegeer het; of
c) 'n persoon wat in 'n skriftelike kontrak deur die munisipale raad aangestel is as 'n diensverskaffer om namens hom inkomstedienste of 'n munisipale diens aan klante te verskaf, in die mate wat deur daardie kontrak gemagtig word;

"gemiddelde verbruik" beteken die gemiddelde verbruik deur 'n klant van 'n munisipale diens gedurende 'n spesifieke tydperk, welke verbruik bereken word deur die totale gemete verbruik van daardie diens deur die verbruiker oor die voorafgaande drie maande deur drie te deel;

"geraamde verbruik" beteken die verbruik wat 'n klant, wie se verbruik nie gedurende 'n spesifieke tydperk gemeet is nie, geag te verbruik het, wat geraam word deur faktore wat deur die munisipaliteit as tersaaklik beskou word, in ag te neem en
wat die verbruik van munisipale dienste deur die totale aantal gebruikers van 'n diens binne die gebied waar die diens deur die munisipaliteit gelewer word teen die toepaslike diensvlak vir 'n spesifieke tyd, kan insluit;

"gesubsidieerde diens" beteken —

a) 'n munisipale diens wat aan 'n klant verskaf word teen 'n toepaslike tarief wat minder is as die koste om die diens werklik te verskaf, en sluit dienste in wat kosteloos aan klante verskaf word;
b) 'n gebied, deur die munisipaliteit bepaal, waarbinne alle klante met dienste vanaf dieselfde grootmaat-toevoeraansluiting verskaf word; en
c) die ontvangs, gebruik of verbruik van enige munisipale diens wat nie ingevolge 'n ooreenkoms is of deur die munisipaliteit gemagtig of goedgekeur is nie;

"huishoudelike klant" beteken 'n klant wat 'n woning, struktuur of perseel hoofsaaklik vir residensiële doeleindes okkupeer;

"huishouding" beteken 'n familie-eenheid wat deur die munisipaliteit as tradisioneel bepaal word met inagneming van die aantal mense in die eenheid, die verhouding tussen die lede van 'n huishouding, hulle ouderdomme en enige ander faktor wat die munisipaliteit as tersaaklik beskou;

"hulpbehoewende klant" beteken 'n huishoudelike klant wat kwalifiseer, en by die munisipaliteit geregistreer is, as hulpbehoewend ooreenkomstig hierdie verordeninge;

"infrastruktuur" beteken die fasiliteite, installasies of toestelle wat nodig is vir die lewer van 'n munisipale diens, of vir die funksionering van 'n gemeenskap, insluitende, maar nie beperk nie tot, fasiliteite, installasies of toestelle wat met water, krag, elektrisiteit, vervoer, riolering, gas en waterwegdoening verband hou;

"klant" beteken 'n persoon met wie die munisipaliteit 'n ooreenkoms vir die verskaffing van 'n munisipale diens aangegaan het of geag aangegaan het;

"kommersiële klant" beteken 'n klant behalwe 'n huishoudelike klant en 'n hulpbehoewende klant, insluitende, maar nie beperk nie tot, 'n besigheid of 'n nywerheids-, regerings- of institusionele klant;

"munisipale bestuurder" beteken die persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet no. 117 van 1998), deur die munisipale raad as die munisipale bestuurder van die munisipaliteit aangestel is, en sluit 'n persoon in aan

wie die munisipale bestuurder 'n bevoegdheid, funksie of plig gedelegeer het, maar slegs ten opsigte van daardie bevoegdheid, funksie of plig;

"munisipale dienste" beteken, vir die doeleindes van hierdie verordeninge, dienste wat deur 'n munisipaliteit verskaf word, insluitende afvalverwydering, watervoorsiening, sanitasie, elektrisiteitsdienste en eiendomsbelasting of enigeen van die bostaande;

"munisipale raad" beteken die munisipale raad wat in artikel 157(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, bedoel word;

"munisipaliteit" beteken —

a) die Thembelihle munisipaliteit, 'n plaaslike munisipaliteit, ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet no. 117 van 1998), en sy regsopvolgers; of
b) behoudens die bepalings van enige ander wet en slegs indien uitdruklik of stilswyend vereis of toegelaat deur hierdie verordeninge, die munisipale bestuurder ten opsigte van die verrigting van 'n funksie of die uitoefening van 'n plig, verpligting of reg ingevolge hierdie verordeninge of enige ander wet; of
c) 'n gemagtigde agent van die munisipaliteit;

"noodsituasie" beteken 'n situasie wat, as dit toegelaat sou word om voort te duur, 'n wesenlike risiko, bedreiging, beletsel of gevaar vir die huidige of toekomstige finansiële lewensvatbaarheid van die munisipaliteit, of vir 'n spesifieke munisipale diens, kan inhou;

"okkupeerder" sluit in 'n persoon wat grond, 'n gebou, struktuur of perseel of enige deel daarvan okkupeer, ongeag die titel waarkragtens hy of sy dit okkupeer, en sluit in 'n persoon wat vir iemand anders se vergoeding of beloning 'n loseerder of huurder of enige ander soortgelyke persoon toelaat om grond, 'n gebou, struktuur of perseel of enige deel daarvan te gebruik of te okkupeer;

"onwettige aansluiting" beteken 'n aansluiting aan 'n stelsel waardeur 'n munisipale diens verskaf word en wat nie deur die munisipaliteit gemagtig of goedgekeur is nie;

"ooreenkoms" beteken 'n kontraktuele verhouding tussen die munisipaliteit en 'n klant wat óf ontstaan as gevolg van die munisipaliteit se goedkeuring van 'n skriftelike aansoek om munisipale dienste wat ingevolge artikel 2 gedoen is, insluitende enige daaropvolgende wysiging wat aan daardie ooreenkoms ter nakoming van hierdie verordeninge aangebring kan word, óf geag word 'n ooreenkoms ingevolge subartikel (3) van daardie artikel te wees;

"ongemagtigde diens" beteken die ontvangs, gebruik of verbruik van enige munisipale diens wat nie ingevolge 'n ooreenkoms met of deur die munisipaliteit goedgekeur is nie;

"openbare kennisgewing" beteken publikasie in die media, insluitende een of meer van die volgende:

1) publikasie van 'n kennisgewing, in die amptelike tale wat deur die munisipale raad bepaal is —
a) in 'n plaaslike koerant of koerante wat in die voorsieningsgebied van die munisipaliteit versprei word;
b) in die koerant of koerante wat in die voorsieningsgebied van die munisipaliteit versprei word en deur die munisipale raad as 'n koerant van rekord bepaal is; of
c) op die amptelike webwerf van die munisipaliteit;
d) deur middel van radio-uitsendings wat die voorsieningsgebied van die munisipaliteit dek;

2) vertoon van 'n kennisgewing in of op 'n perseel, kantoor, biblioteek of betaalpunt van óf die munisipaliteit óf sy gemagtigde agent waartoe die publiek redelike toegang het; en

3) kommunikasie met klante deur middel van openbare vergaderings en wykskomiteevergaderings;

"perseel" beteken 'n stuk grond waarvan die buitevlakgrense geskets is op —

a) 'n algemene plan of diagram wat ingevolge die Opmetingswet, 1927 (Wet no. 9 van 1927), of ingevolge die Registrasie van Aktes Wet, 1937 (Wet no. 47 van 1937), geregistreer is;
b) 'n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet no. 95 van 1986), geregistreer is; of
c) 'n register gehou deur 'n stamowerheid of ooreenkomstig 'n beëdigde verklaring wat deur 'n stamowerheid gemaak is;

"persoon" beteken 'n persoon hetsy 'n natuurlike of 'n regspersoon, en sluit in, maar is nie beperk nie tot, 'n plaaslike regeringsliggaam of soortgelyke owerheid, 'n maatskappy of beslote korporasie wat kragtens 'n wet geïnkorporeer is, 'n liggaam van persone hetsy geïnkorporeer of nie, 'n statutêre liggaam, openbare nutsliggaam, vrywillige vereniging of trust;

"rekening" beteken 'n rekening of rekenings gelewer vir munisipale dienste wat verskaf is;

"rente" beteken rente soos deur die Minister van Justisie ingevolge artikel 1 van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet no. 55 van 1975), voorgeskryf kan word;

"toepaslike gelde" beteken die belasting (insluitende eiendomsbelasting), gelde, tariewe of subsidies wat deur die munisipale raad vasgestel is;

"voorsieningsgebied" beteken 'n gebied binne of gedeeltelik binne die regsgebied van die munisipaliteit waaraan 'n munisipale diens verskaf word;

"wanbetaler" beteken 'n klant wat agterstallige gelde aan die munisipaliteit verskuldig is;

"werklike verbruik" beteken die gemete verbruik deur 'n klant van 'n munisipale diens; en

"Wet" beteken die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet no. 32 van 2000), soos van tyd tot tyd gewysig.

HOOFSTUK 2: MUNISIPALE DIENSTE AAN KLANTE BEHALWE HULPBE-HOEWENDE KLANTE

Deel 1: Aansoek om munisipale dienste

2. Aansoek om dienste

1. 'n Klant wat as 'n hulpbehoewende klant wil kwalifiseer, moet aansoek om dienste doen op die wyse wat in Hoofstuk 4 uiteengesit word.

2. Geen persoon mag, behoudens die bepalings van subartikel (3), 'n munisipale diens ontvang of toegang daartoe verleen word nie, tensy die munisipaliteit sy goedkeuring verleen het vir 'n aansoek wat by die munisipaliteit gedoen is op die voorgeskrewe vorm wat as Aanhangsel A by hierdie verordeninge aangeheg is.

3. Indien, by die inwerkingtreding van hierdie verordeninge of te enige ander tyd, munisipale dienste verskaf en ontvang word en geen skriftelike ooreenkoms ten opsigte van sodanige dienste bestaan nie, word daar, totdat die klant 'n ooreenkoms ingevolge subartikel (2) aangaan, geag dat —
   a) 'n ooreenkoms soos in subartikel (7) bedoel word, bestaan; en
   b) die diensvlak wat aan daardie klant gelewer is, op 'n diensvlak is wat deur hom gekies is.

4. Die munisipaliteit moet, wanneer 'n aansoek om die verskaffing van munisipale dienste by hom gedoen word, die aansoeker inlig van die diensvlakke wat beskikbaar is en van die toepaslike tariewe of gelde wat dan heers en, as dit bekend is, die toekomstige tariewe of gelde wat met elke diensvlak gepaard gaan.

5. Die munisipaliteit is slegs verplig om 'n diensvlak te lewer wat spesifiek deur die aansoeker versoek word as die diens tans verskaf word en as die munisipaliteit die hulpbronne en kapasiteit het om daardie diensvlak te verskaf.

6. 'n Klant kan te eniger tyd aansoek doen om 'n verandering van die diensvlak wat ingevolge 'n ooreenkoms gekies is en, as hy dit doen, kan die munisipaliteit die aansoek goedkeur as hy die kapasiteit en hulpbronne het om die diensvlak te verskaf wat die diensvlak verander, onderworpe aan die voorwaarde dat die klant aanspreeklik is vir die koste om die verandering te bewerkstellig en, as dit uitvoerbaar is om die koste te bereken, daarvoor te betaal voordat daar met die verandering begin word.

7. 'n Aansoek om dienste wat deur 'n klant ingedien en deur die munisipaliteit goedgekeur is, maak 'n skriftelike ooreenkoms tussen die munisipaliteit en die klant uit en sodanige ooreenkoms tree in werking op die datum wat in die ooreenkoms genoem of gestipuleer word.

8. Die munisipaliteit moet redelike stappe doen om te probeer verseker dat 'n ongeletterde persoon wat 'n aansoekvorm wil voltooi die dokument asook die gevolge van die aangaan van die ooreenkoms verstaan, en moet hom ook inlig van die moontlikheid om as 'n hulpbehoewende klant te registreer.

9. Die munisipaliteit moet, benewens voldoening aan die vereistes van subartikel (8), 'n ongeletterde persoon bystaan met die voltooiing van die aansoekvorm.

10. Munisipale dienste wat aan 'n klant gelewer word is onderworpe aan die bepalings van hierdie verordeninge, enige ander toepaslike verordeninge en die voorwaardes wat in die ooreenkoms vervat is.

11. Die munisipaliteit kan, onderworpe aan die bepalings van enige reg op privaatheid en geheimhouding wat kragtens 'n wet erken word, 'n ondersoek na die kredietwaardigheid van 'n klant doen en kan spesifieke bykomende voorwaardes vir daardie klant stel wat nie in hierdie verordeninge of in die voorgeskrewe vorm vervat is nie.

12. As die munisipaliteit —

a) 'n aansoek om die verskaffing van munisipale dienste of 'n spesifieke diens of diensvlak weier;
b) nie in staat is om munisipale dienste of 'n spesifieke diens of diensvlak te lewer wanneer die klant dit wil hê nie; of
c) nie in staat is om munisipale dienste, 'n spesifieke diens of 'n spesifieke diensvlak te lewer nie;

moet hy binne 7 (sewe) dae nadat hy die aansoek geweier het of van sy onvermoë bewus geword het, die klant van die weiering of sy onvermoë verwittig, en die redes vir sy weiering of onvermoë verstrek en, as hy dit kan doen, die klant inlig wanneer die munisipale dienste, of 'n spesifieke diens, hervat sal word.

3. Spesiale ooreenkomste vir munisipale dienste

Die munisipaliteit kan 'n spesiale ooreenkoms vir die verskaffing van munisipale dienste aangaan met 'n aansoeker —

a) binne die voorsieningsgebied, as die dienste waarom aansoek gedoen is die stel van voorwaardes vereis wat nie in die voorgeskrewe vorm of in hierdie verordeninge vervat is nie;
b) wat gesubsidieerde dienste ontvang; en
c) indien die perseel wat sodanige dienste gaan ontvang buite die voorsieningsgebied geleë is en die munisipaliteit wat jurisdiksie oor die perseel het, geen beswaar teen sodanige spesiale ooreenkoms het nie, en dit is die klant se plig om die munisipaliteit wat jurisdiksie het van so 'n spesiale ooreenkoms te verwittig.

4. Verandering van doel waarvoor munisipale dienste gebruik word

Waar die doel of omvang van 'n munisipale diens verander word, moet die klant die munisipaliteit onverwyld van die verandering in kennis stel en 'n nuwe ooreenkoms met die munisipaliteit aangaan.

5. Beëindiging van ooreenkomste vir munisipale dienste

1. 'n Klant kan 'n ooreenkoms vir munisipale dienste beëindig deur minstens 21 (een en twintig) dae skriftelike kennis aan die munisipaliteit te gee.

2. Die munisipaliteit kan 'n ooreenkoms vir munisipale dienste beëindig deur minstens 21 (een en twintig) dae skriftelike kennis aan 'n klant te gee waar —
   a) munisipale dienste vir 'n opeenvolgende tydperk van 2 (twee maande) nie benut is nie en sonder dat daar, tot voldoening van die munisipaliteit, 'n ooreenkoms vir die voortsetting van die ooreenkoms aangegaan is; of
   b) persele ontruim is deur 'n klant wat dit besit of geokkupeer het, en geen reëling vir die voortsetting van die ooreenkoms met die munisipaliteit getref is nie.

3. 'n Klant bly aanspreeklik vir alle agterstallige bedrae en toepaslike gelde wat betaalbaar is vir munisipale dienste wat voor die beëindiging van 'n ooreenkoms gelewer is.

6. Eiendomsontwikkelings

1. 'n Eiendomsontwikkelaar moet, so gou as wat 'n infrastruktuur in staat is om 'n munisipale diens of dienste aan 'n gebied te lewer wat die onderwerp van ontwikkeling is, die munisipaliteit afdoende en onverwyld binne 'n redelike tyd inlig van die aard en omvang van die diens of dienste wat verskaf moet word en van die meettoestelle wat gebruik gaan word.

2. 'n Eiendomsontwikkelaar wat versuim om aan die bepalings van subartikel (1) te voldoen, is aanspreeklik vir die betaling van al die toepaslike gelde wat deur klante betaalbaar sou gewees het ten opsigte van munisipale dienste wat gebruik of verbruik is.

Deel 2: Toepaslike gelde

7. Toepaslike gelde vir munisipale dienste

1. Alle toepaslike gelde wat ten opsigte van munisipale dienste betaalbaar is (insluitende, maar nie beperk nie tot, die betaling van aansluitgelde, vaste gelde of enige bykomende gelde) moet deur die munisipale raad vasgestel word ooreenkomstig —
   a) sy tariefbeleid;
   b) die verordeninge; en
   c) enige regulasies wat ingevolge nasionale of provinsiale wetgewing gemaak is.

2. Toepaslike gelde kan wissel vir verskillende kategorieë klante, gebruikers van dienste, soorte en vlakke dienste, hoeveelheid dienste, infrastrukturele vereistes en geografiese gebiede.

8. Beskikbaarheidsgelde vir munisipale dienste

Die munisipale raad kan, benewens die tariewe of gelde wat voorgeskryf word vir munisipale dienste wat werklik verskaf word, 'n maandelikse vaste geld, 'n jaarlikse vaste geld of 'n enkele of finale vaste geld hef waar munisipale dienste beskikbaar is, ongeag of die dienste gebruik word of nie gebruik word nie.

9. Gesubsidieerde dienste

1. 'n Munisipale raad kan, by openbare kennisgewing, subsidies implementeer in die mate waarin hy dit kan bekostig sonder benadeling van die volhoubaarheid van munisipale dienste wat deur hom binne sy regsgebied gelewer word vir wat, na sy mening, 'n basiese diensvlak vir 'n bepaalde munisipale diens is.

2. Die munisipale raad kan, by die implementering van subsidies, differensieer tussen soorte huishoudelike klante, soorte en vlakke dienste, hoeveelheid dienste, geografiese gebiede en sosio-ekonomiese gebiede.

3. 'n Openbare kennisgewing ingevolge subartikel (1) moet ten minste die volgende besonderhede wat op 'n spesifieke subsidie van toepassing is, bevat:

   a) die huishoudelike klante wat by die subsidie sal baat;
   b) die soort, vlak en hoeveelheid van 'n munisipale diens wat gesubsidieer sal word;
   c) die gebied waarbinne die subsidie van toepassing sal wees;
   d) die tarief (wat die subsidievlak aandui);
   e) die metode van implementering van die subsidie; en
   f) enige spesiale bepalings en voorwaardes wat op die subsidie van toepassing sal wees.

4. Indien 'n huishoudelike verbruiker se verbruik of gebruik van 'n munisipale diens —

   a) minder is as die gedeelte van 'n diens wat gesubsidieer word, sal die ongebruikte gedeelte nie aan die klant toeval nie en sal die klant nie geregtig wees op 'n betaling of 'n korting ten opsigte van die ongebruikte gedeelte nie; en
   b) die gesubsidieerde gedeelte van die diens oorskry, sal die klant verplig wees om vir oorskrydingsverbruik teen die toepaslike tarief te betaal.

5. 'n Subsidie wat ingevolge subartikel (1) geïmplementeer is, kan te eniger tyd, na redelike openbare kennisgewing, teruggetrek of gewysig word na die uitsluitlike goeddunke van die munisipale raad.

6. Kommersiële klante kwalifiseer nie vir gesubsidieerde dienste nie.

7. Gesubsidieerde dienste word befonds uit die gedeelte van inkomste wat nasionaal verkry word en aan die munisipaliteit toegewys word, en indien sodanige befondsing ontoereikend is, kan die dienste befonds word uit inkomste wat deur middel van belasting en gelde vir munisipale dienste verkry word.

10. Verhaal van bykomende koste

Die munisipale verordeninge kan, benewens enige geld, tarief, heffing of betaling van enige aard wat in hierdie verordeninge bedoel word, enige koste op die klant verhaal wat deur hom aangegaan is met die implementering van hierdie verordeninge, insluitende, maar nie beperk nie tot —

a) alle regskoste, insluitende prokureur-en-kliëntkoste aangegaan vir die verhaal van agterstallige bedrae, wat teen die klant as agterstallige bedrae op sy rekening gedebiteer moet word; en
b) die koste wat aangegaan is om betaling van die klant te eis en om die kliënt per telefoon, faks, e-pos, brief of andersins te herinner dat betaling verskuldig is.

Deel 3: Betaling

11. Betaling van deposito

1. 'n Munisipale raad kan van 'n klant vereis om 'n deposito te betaal wat deur hom vasgestel is en kan bepaal dat verskillende deposito's deur verskillende kategorieë klante, verbruikers van dienste en debiteure betaal moet word asook vir verskillende dienste en diensstandaarde.

2. 'n Deposito mag nie 3 (drie) keer meer wees as die geldelike waarde (insluitende eiendomsbelasting en gelde wat uit die lewering van die diens verkry word) van enige diens waarom 'n klant aansoek gedoen het nie.

3. 'n Diens wat in subartikel (2) bedoel word, beteken 'n diens wat aan 'n klant se perseel gelewer is; en die maandelikse geldelike waarde van 'n diens word bereken deur die totale geldelike waarde van die 3 (drie) mees onlangse maande van diens wat aan hom gelewer is te neem en dit deur 3 (drie) te deel.

4. Die munisipale raad kan aanvaarbare vorme van deposito's spesifiseer, wat kan insluit:

a) kontant;
b) elektroniese oorbetaling;
c) bankgewaarborgde tjeks; en
d) bankwaarborge.

5. 'n Deposito wat deur die munisipale raad vasgestel is, moet deur 'n klant betaal word wanneer hy om 'n munisipale diens aansoek doen en geen diens sal gelewer word nie tensy dit betaal is.

6. Indien 'n klant agterstallig is, kan die munisipaliteit van die klant vereis om —

a) 'n deposito te betaal indien daar nie voorheen van daardie klant vereis is om 'n deposito te betaal nie, as die munisipale raad 'n deposito vasgestel het; en
b) 'n bykomende deposito te betaal waar die deposito wat deur daardie klant betaal is, minder is as die mees onlangse deposito wat deur die munisipale raad vasgestel is.

7. 'n Deposito, of enige deel van 'n deposito, is nóg 'n betaling nóg 'n gedeeltelike betaling van 'n rekening, maar indien 'n rekening agterstallig is, sal die deposito as betaling of gedeeltelike betaling van die agterstallige bedrag aangewend word.

8. Geen rente sal deur die munisipaliteit op enige deposito of deel van 'n deposito wat deur hom gehou word, betaalbaar wees nie.

9. 'n Deposito is by beëindiging van die ooreenkoms na vereffening van alle agterstallige bedrae aan die klant terugbetaalbaar, maar indien enige agterstallige bedrae nog steeds verskuldig is, sal dit daarvan afgetrek word.

10. 'n Deposito word aan die munisipaliteit verbeur as dit nie binne 12 (twaalf maande) na die beëindiging van die ooreenkoms deur die klant opgeëis is nie.

12. Metodes vir die vasstelling van bedrae verskuldig en betaalbaar

1. 'n Munisipaliteit moet poog om alle munisipale dienste wat gemeet kan word, te meet as hy die finansiële en menslike hulpbronne het om dit te doen, en ook om alle gemeterde dienste op 'n gereelde grondslag te lees, maar indien 'n diens nie gemeet word nie, kan die munisipaliteit bepaal wat deur 'n klant vir munisipale dienste verskuldig en betaalbaar is deur die gedeelde verbruik te bereken; of, indien dit nie moontlik is nie, deur middel van 'n geraamde verbruik.

2. Indien 'n gemeterde diens gemeet word maar vanweë finansiële en menslike hulpbronne of omstandighede buite die munisipaliteit se beheer nie gelees kan word nie en die klant gedebiteer word vir 'n gemiddelde verbruik, moet die rekening wat op 'n lees van die gemeterde verbruik volg, die verskil tussen die werklike verbruik en die gemiddelde verbruik toon, en die gevolglike krediet- of debietaanpassing weerspieël.

3. Waar, na die mening van die munisipaliteit, dit nie redelik moontlik of koste-effektief is om alle verbruikersaansluitings te meet of alle gemeterde verbruikersaansluitings binne 'n bepaalde gebied te lees nie, kan die munisipaliteit die bedrag wat deur 'n klant vir munisipale dienste verskuldig en betaalbaar is, bereken op die wyse wat in subartikel (1) uiteengesit word.

4. Waar watervoorsieningsdienste deur 'n gemeenskapswaterdienstewerk verskaf word, sal die bedrag wat klante vir die verkryging van toegang tot en benutting van water uit die gemeenskapswaterdienstewerk moet betaal, gebaseer word op die gedeelde of geraamde verbruik van water wat aan daardie waterdienstewerk voorsien word.

5. Die munisipaliteit moet klante verwittig van die metode wat gebruik word om te bepaal wat verskuldig en betaalbaar is ten opsigte van munisipale dienste in hulle verbruik- of voorsieningsones.

13. Betaling vir munisipale dienste verskaf

1. 'n Klant is verantwoordelik vir die betaling van alle munisipale dienste wat aan hom gelewer word vanaf die aanvangsdatum van die ooreenkoms totdat sy rekening ten volle betaal is, en die munisipaliteit is geregtig om alle betalings wat aan hom verskuldig is, te verhaal.

2. Indien 'n klant 'n munisipale diens aanwend vir 'n ander gebruik as waarvoor dit deur die munisipaliteit ingevolge 'n ooreenkoms gelewer word, en indien 'n laer bedrag as die gewone toepaslike bedrag daarvoor gevra word, kan die munisipaliteit die bedrag wat gevra gaan word, en die verskil tussen die veranderde bedrag en die bedrag wat deur die klant betaal is, op die klant verhaal.

3. Indien wysigings aan die toepaslike geld in werking tree op 'n datum tussen metings wat vir die lewer van 'n rekening vir die toepaslike gelde gemaak word —
a) word daar geag dat dieselfde hoeveelheid munisipale dienste verskaf is vir elke tydperk van vier en twintig uur gedurende die interval tussen die metings; en
b) moet enige vasgestelde koste bereken word op 'n pro rata-grondslag ooreenkomstig die geld wat onmiddellik vir sodanige wysiging en sodanige gewysigde toepaslike geld van toepassing was.

14. Volle en finale vereffening van 'n bedrag

Waar 'n rekening nie ten volle vereffen word nie, sal enige kleiner bedrag wat aangebied word aan, of aanvaar is deur, die munisipaliteit nie ter volle en finale vereffening van sodanige rekening wees nie ondanks die feit dat die betaling ter volle en finale vereffening aangebied is, tensy die munisipale bestuurder of die bestuurder van die munisipaliteit se gemagtigde agent dit uitdruklik skriftelik aanvaar as volle en finale vereffening van die betrokke bedrag.

15. Verantwoordelikheid vir bedrae verskuldig en betaalbaar

1. Behoudens subartikel (2) en nieteenstaande enige ander bepaling van hierdie verordeninge, is 'n eienaar van 'n perseel aanspreeklik vir die betaling van 'n bedrag wat vir die voorafgaande twee jaar deur 'n klant aan die munisipaliteit verskuldig en betaalbaar is indien die munisipaliteit, nadat redelike stappe gedoen is om 'n bedrag wat deur 'n klant verskuldig en betaalbaar is te verhaal, dit nie kon doen nie; met die verstande dat die munisipaliteit dit slegs mag verhaal as die eienaar die aansoekvorm onderteken het wat deur 'n verbruiker ooreenkomstig artikel 2 ingedien is en hy deur die munisipaliteit ingelig is dat die verbruiker agterstallig was.

2. Indien, by die inwerkingtreding van hierdie verordeninge of te enige ander tyd, munisipale dienste gelewer word en deur 'n persoon by die perseel ontvang word, en indien geen skriftelike ooreenkoms ten opsigte van daardie dienste bestaan nie, word daar geag dat die eienaar van die perseel akkoord gegaan het met die bepalings van subartikel (1) totdat die klant 'n ooreenkoms met die munisipaliteit ingevolge artikel 2 aangaan en die aansoekvorm vir die dienste deur die eienaar onderteken word.

16. Gedishonoreerde betalings

Waar 'n betaling aan die munisipaliteit gemaak word per verhandelbare instrument wat later deur die bank gedishonoreer word, kan die munisipaliteit —
a) die klant se rekening debiteer met die bankkoste wat ten opsigte van die gedishonoreerde verhandelbare instrument aangegaan is;
b) so 'n gebeure as wanbetaling beskou.

17. Aansporingskemas

Die munisipale raad kan aansporingskemas instel om stiptelike betaling aan te moedig en klante te beloon wat hulle rekenings gereeld en betyds betaal.

18. Betaalpunte en goedgekeurde agente

1. 'n Klant moet sy rekening betaal by betaalpunte wat deur die munisipaliteit of deur 'n goedgekeurde agent van die munisipaliteit gespesifiseer word.

2. Die munisipaliteit moet die klant verwittig van die ligging van gespesifiseerde betaalpunte en van wie 'n goedgekeurde agent is vir die ontvangs van die betaling van rekenings.

Deel 4: Rekeninge

19. Rekeninge

1. Rekeninge moet maandeliks by die klant se jongste aangetekende adres gelewer word.

2. Waar dit, na die mening van die munisipaliteit, nie redelik moontlik of koste-effektief is om rekenings te lewer aan klante wat slegs gesubsidieerde dienste gebruik nie, kan die munisipale raad, nieteenstaande subartikel (1), besluit om nie rekenings aan daardie verbruikers te lewer nie.

3. Versuim deur die klant om 'n rekening te ontvang of te aanvaar onthef 'n klant nie van die verpligting om 'n bedrag wat verskuldig en betaalbaar kan wees, te betaal nie.

4. Die munisipaliteit moet, indien dit redelik moontlik is om dit te doen, op versoek 'n duplikaatrekening aan 'n klant uitreik.

5. Rekenings moet nie later nie as die laaste datum vir betaling wat daarin gespesifiseer word, betaal word.

6. Rekenings vir munisipale dienste moet —

a) ten minste —
i) dienste gelewer;
ii) verbruik of gemeterde dienste of die gemiddelde, gedeelde of geraamde verbruik;
iii) tydperk deur die rekening gedek;
iv) toepaslike gelde;
v) subsidies;bedrag verskuldig (uitgesonderd die belasting op toegevoegde waarde wat betaalbaar is);
vi) belasting op toegevoegde waarde;
vii) aanpassing, indien enige, van gemeterde verbruik wat voorheen geraam is;
viii) agterstallige bedrae;rente betaalbaar op enige agterstallige bedrae;finale datum vir betaling; en metodes, plekke en goedgekeurde agente waar betaling gemaak kan word weerspieël; en

b) meld dat —

i) die klant en die munisipaliteit by die munisipale kantore 'n ooreenkoms kan aangaan ingevolge waarvan die klant toegelaat sal word om agterstallige bedrae in paaiemente te betaal;
ii) indien geen sodanige ooreenkoms aangegaan word nie, die munisipaliteit die dienste sal inkort of staak, nadat 'n finale aanmaningskennisgewing ingevolge artikels 24 en 26 aan die klant gestuur is;
iii) regstappe teen 'n klant ingestel kan word vir die verhaal van enige bedrag wat meer as 40 (veertig) dae agterstallig is;
iv) 'n eis vir agterstallige bedrae aan 'n skuldinvorderaar vir invordering sedeer kan word; en
v) bewys van registrasie as 'n hulpbehoewende klant ingevolge die munisipaliteit se hulpbehoewende beleid, wat deel van die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid kan uitmaak, voor die finale betaaldatum by die kantore van die munisipaliteit ingedien moet word.

20. Gekonsolideerde skuld

1. Indien 'n rekening gelewer word vir meer as een munisipale diens wat verskaf word, maak die bedrag wat deur 'n klant verskuldig en betaalbaar is 'n gekonsolideerde skuld uit, en enige betaling van 'n bedrag minder as die totale verskuldigde bedrag wat deur 'n klant gemaak word, sal toegewys word ter vermindering van die gekonsolideerde skuld in die volgende volgorde:

a) vir betaling van die huidige rekening;
b) vir betaling van agterstallige bedrae; en
c) vir betaling van rente.

2. 'n Klant kan nie kies hoe 'n rekening vereffen moet word as dit nie ten volle betaal word nie of as daar agterstallige bedrae is.

Deel 5: Navrae, klagtes en appèlle

21. Navrae of klagtes ten opsigte van rekening

1. 'n Klant kan 'n navraag, klagte of beswaar indien met betrekking tot die akkuraatheid van 'n bedrag in 'n rekening wat aan hom gelewer is, wat gemeld is deur hom verskuldig en betaalbaar te wees vir 'n spesifieke munisipale diens.

2. 'n Navraag, klagte of beswaar moet voor die betaaldatum van die rekening skriftelik by die munisipaliteit ingedien word.

3. Die munisipaliteit moet 'n ongeletterde of soortgelyk benadeelde klant bystaan met die indien van 'n navraag, klagte of beswaar en moet redelike stappe doen om te verseker dat dit korrek op skrif weerspieël word.

4. 'n Navraag, klagte of beswaar moet vergesel gaan van 'n betaling wat bereken is deur die gemiddelde verbruik van die klant van die diens te neem en die bedrag wat bevraagteken, oor gekla of beswaar teen gemaak word, daarvan af te trek.

5. Die munisipaliteit moet die navraag, klagte of beswaar aanteken en 'n verwysingsnommer aan die klant verskaf om te identifiseer waar dit aangeteken is.

6. Die munisipaliteit —

a) moet die navraag, klagte of beswaar binne 14 (veertien) dae nadat die klagte of beswaar geregistreer is, ondersoek of laat ondersoek; en
b) moet die klant binne 16 (sestien) dae nadat die navraag, klagte of beswaar geregistreer is, skriftelik van sy bevinding in kennis stel.

22. Appèlle teen bevindings van munisipaliteit ten opsigte van navrae of klagtes

1. 'n Klant kan skriftelik appèl aanteken teen 'n bevinding van die munisipaliteit ingevolge artikel 21.

2. 'n Appèl ingevolge subartikel (1) moet op skrif wees en binne 21 (een en twintig) dae nadat die klant bewus geword het van die bevinding wat in artikel 21 bedoel word, by die munisipale bestuurder ingedien word en moet —

a) die redes vir die appèl uiteensit; en
b) vergesel gaan van 'n deposito, soos deur die munisipale raad vasgestel, indien die munisipaliteit vereis dat 'n deposito betaal word.

3. Die munisipaliteit kan, by appèl deur 'n klant, hom aansê om die volle bedrag te betaal waarteen appèl aangeteken word.

4. Die klant is aanspreeklik vir alle ander bedrae wat verskuldig en betaalbaar word terwyl die appèl beslis word.

5. Die munisipaliteit moet binne 21 (een en twintig) dae nadat 'n appèl ingedien is, daaroor beslis en die klant moet so gou as redelik moontlik daarna skriftelik van die uitslag verwittig word.

6. Indien die munisipaliteit besluit om die navraag of klagte of beswaar te verwerp, moet die klant enige bedrae wat ingevolge die beslissing verskuldig en betaalbaar bevind word, binne 14 (veertien) dae nadat hy van die uitslag van die appèl verwittig is, betaal.

7. Die munisipaliteit kan die laat indiening van appèlle of ander prosedurele onreëlmatighede kondoneer.

8. Indien daar in 'n appèl beweer word dat 'n meettoestel onakkuraat is, moet die toestel aan 'n standaard bedryfstoets onderwerp word, soos deur die munisipaliteit bepaal, om die akkuraatheid daarvan vas te stel, en die klant moet verwittig word van die geraamde koste van so 'n toets voordat so 'n toets gedoen word.

9. Indien die uitslag van 'n toets toon dat 'n meettoestel —

a) binne 'n voorgeskrewe perk van akkuraatheid is, sal die klant aanspreeklik wees vir die koste van die toets en enige ander bedrae wat uitstaande is, en daardie koste sal teen die klant se rekening gedebiteer word;
b) buite 'n voorgeskrewe perk van akkuraatheid is, sal die munisipaliteit aanspreeklik wees vir die koste van so 'n toets, en die klant moet verwittig word van die bedrag van enige krediet waarop hy as gevolg van enige onakkuraatheid geregtig is.

10. 'n Deposito waarna in subartikel (2)(b) verwys word -
a) word deur die munisipaliteit behou indien daar bevind word dat die meettoestel nie defektief is nie; of
b) moet aan die aansoeker terugbetaal word in die mate waarin dit die bedrag betaalbaar ten opsigte van die hoeveelheid wat ooreenkomstig subartikel 11(b) bepaal is, oorskry, indien daar ingevolge daardie subartikel bevind word dat die meettoestel defektief is.

11. Benewens subartikels (9) en (10) moet die munisipaliteit, indien daar bevind word dat die meettoestel defektief is —
a) die meettoestel herstel of 'n ander toestel in 'n goeie werkende toestand installeer, sonder koste vir die klant, tensy die koste om dit te doen ingevolge hierdie of enige ander verordeninge van die munisipaliteit op die klant verhaalbaar is; en
b) die hoeveelheid munisipale dienste waarvoor die klant gevra sal word in plaas van die hoeveelheid wat deur die defektiewe meettoestel gemeet is, bepaal deur as 'n grondslag van sodanige bepaling, en soos die munisipaliteit kan besluit —
    i. die hoeveelheid wat die gemiddelde maandelikse verbruik gedurende die drie maande wat die maand voorafgaan ten opsigte waarvan die meting in geskil is, te neem en daardie hoeveelheid aan te pas ooreenkomstig die omvang van die fout wat bevind is in die lees van die defektiewe meter of meettoestel;
    ii. die gemiddelde verbruik van die klant gedurende die daaropvolgende drie gemeterde tydperke nadat die defektiewe meter of meettoestel herstel of vervang is, te neem; of
    iii. die verbruik van dienste op die perseel wat vir die ooreenstemmende tydperk in die vorige jaar aangeteken is, te neem.

Deel 6: Agterstallige bedrae

23. Gekonsolideerde agterstallige bedrae

Indien een rekening gelewer word vir meer as een munisipale diens wat verskaf word, maak alle agterstallige bedrae wat deur 'n klant verskuldig en betaalbaar is, 'n gekonsolideerde skuld uit, en enige betaling van 'n bedrag minder as die totale verskuldigde bedrag wat deur 'n klant gemaak word, sal toegewys word ter vermindering van die gekonsolideerde skuld in die volgende volgorde:
a) vir betaling van die huidige rekening;
b) vir betaling van agterstallige bedrae;

c) vir betaling van rente; en
d) vir koste wat aangegaan is om toepaslike stappe te doen om bedrae wat verskuldig en betaalbaar is, te verhaal.

24. Agterstallige bedrae

1. Indien 'n klant versuim om die rekening voor of op die betaaldatum te betaal, kan 'n finale aanmaningskennisgewing binne 2 (twee) werkdae vandat die agterstallige bedrae opgeloop het, per hand afgelewer word by, of per geregistreerde pos gestuur word aan, die mees onlangs aangetekende adres van die klant.

2. Versuim om 'n finale aanmaningskennisgewing binne 2 (twee) werkdae af te lewer of te stuur onthef nie 'n klant van die betaling van agterstallige bedrae nie.

25. Rente

1. Rente kan op agterstallige bedrae gehef word.

2. Die munisipale raad kan tussen soorte huishoudelike klante, soorte diens en diensvlakke, hoeveelhede dienste, geografiese gebiede en sosio-ekonomiese gebied differensieer wanneer rente op agterstallige bedrae gehef word.

26. Finale aanmaningskennisgewing

1. Die finale aanmaningskennisgewing moet die volgende meld:
a) die bedrag wat agterstallig is en enige rente wat betaalbaar is;
b) dat die klant 'n ooreenkoms met die munisipaliteit kan aangaan vir die betaling van die agterstallige bedrag in paaiemente binne 7 (sewe) werkdae vanaf die datum van die finale aanmaningskennisgewing;
c) dat, indien geen sodanige kennisgewing binne die gemelde tydperk aangegaan word nie, gespesifiseerde dienste ooreenkomstig artikel 27 ingekort of gestaak sal word;
d) dat regstappe teen 'n klant ingestel kan word vir die verhaal van enige bedrag wat 40 (veertig) dae agterstallig is;
e) dat die rekening aan 'n skuldinvorderaar oorhandig kan word vir invordering; en
f) dat bewys van registrasie as 'n hulpbehoewende klant ingevolge hierdie verordeninge by die kantoor van die munisipaliteit ingedien moet word voor die finale datum van die finale aanmaningskennisgewing.

2. Die munisipaliteit moet, behoudens artikel 27, wanneer hy besluit of 'n munisipale diens vir inkorting of staking ingevolge subartikel (1)(c) gespesifiseer moet word, oorweging skenk aan —
a) die potensiële sosio-ekonomiese en gesondheidsimplikasies wat die inkorting of staking op die klant kan hê; en
b) 'n huishoudelike klant se reg op toegang tot basiese munisipale dienste, soos in die munisipale raad se kredietbeheer- en skuldinvorderingsbeleid geïdentifiseer.

27. Inkorting of staking van munisipale dienste

1. Die munisipaliteit kan, onmiddellik na die verstryking van die tydperk van 7 (sewe) werkdae wat ingevolge die finale aanmaningskennisgewing vir betaling toegelaat word, die munisipale dienste wat in subartikel 26(1)(c) gespesifiseer word, inkort of staak, met dien verstande dat 'n huishoudelike klant se toegang tot basiese waterdienste en sanitasiedienste nie gestaak mag word nie.

2. Die munisipaliteit kan 'n huishoudelike verbruiker se toegang tot basiese watervoorsieningsdienste slegs beperk deur —
a) waterdruk te verminder; of
b) die beskikbaarheid van water tot 'n spesifieke tydperk of tydperke gedurende 'n dag in te kort; of

c) huis- en werfaansluitings te staak en 'n alternatiewe watertoevoerdiens aan die huishoudelike verbruiker beskikbaar te stel, welke alternatiewe diens kan bestaan uit 'n basiese watervoorsieningsdiens soos deur die Minister van Waterwese en Bosbou ingevolge die Wet op Waterdienste, 1997 (Wet no. 108 van 1997), gespesifiseer.

3. Die koste verbonde aan die inkorting of staking van munisipale dienste moet op die klant se koste geskied en moet ingesluit word by die agterstallige bedrag wat deur die klant verskuldig en betaalbaar is.

28. Rekenings wat 40 (veertig) dae agterstallig is

1. Waar 'n rekening wat aan 'n klant gelewer is vir meer as 40 (veertig) dae uitstaande bly, kan die munisipaliteit —

a) regstappe teen 'n klant doen vir die verhaal van die agterstallige bedrag; of
b) die klant se rekening aan 'n skuldinvorderaar vir invordering sedeer.

2. 'n Klant sal aanspreeklik wees vir verhaalbare administrasiegelde, koste wat aangegaan is met die verhaal van agterstallige bedrae en enige strawwe, insluitende die betaling van 'n groter deposito, soos van tyd tot tyd deur die munisipale raad bepaal kan word.

29. Algemeen

1. Geen stappe wat ingevolge hierdie artikel weens nie-betaling gedoen word sal opgeskort of teruggetrek word nie, tensy die agterstallige bedrag, insluitende enige rente, verhaalbare administrasiegelde, bykomende gelde, koste aangegaan vir die doen van toepaslike stappe en enige strawwe, insluitende die betaling van 'n groter deposito, ten volle betaal is.

2. Die munisipaliteit sal nie aanspreeklik wees vir enige verlies of skade wat 'n klant gely het omdat munisipale dienste ingekort of gestaak is nie.

Deel 7: Ooreenkoms vir die betaling van agterstallige bedrae in paaiemente

30. Ooreenkomste

1. Die volgende ooreenkomste vir die betaling van agterstallige bedrae in paaiemente kan aangegaan word:

a) 'n skulderkenning;
b) toestemming tot vonnis; of
c) 'n besoldigingbeslagleggingsbevel.

2. Slegs 'n verbruiker met positiewe bewys van identiteit of 'n persoon wat skriftelik deur daardie verbruiker gemagtig is, of, indien 'n verbruiker ongeletterd is, 'n persoon wat in die teenwoordigheid van 'n beampte wat deur die owerheid vir daardie doel aangestel is, persoonlik deur 'n verbruiker gemagtig is, sal toegelaat word om 'n ooreenkoms vir die betaling van agterstallige bedrae in paaiemente aan te gaan.

3. Geen klant sal toegelaat word om 'n ooreenkoms vir die betaling van agterstallige bedrae in paaiemente aan te gaan as daardie klant versuim het om 'n vorige ooreenkoms vir die betaling van agterstallige bedrae in paaiemente na te kom nie, tensy die munisipaliteit, in sy alleendiskresie, die klant toelaat om dit te doen.

4. 'n Afskrif van die ooreenkoms moet aan die klant beskikbaar gestel word.

5. 'n Ooreenkoms vir die betaling van agterstallige bedrae in paaiemente moet nie aangegaan word nie tensy en totdat 'n klant sy lopende rekening betaal het.

31. Bykomende koste, gedeeltelike vereffening en paaiemente

1. Die koste verbonde aan die aangaan van ooreenkomste vir die betaling van agterstallige bedrae in paaiemente en die inkorting of staking van munisipale dienste ooreenkomstig artikel 27 moet ingesluit word by die agterstallige bedrag wat deur die klant verskuldig en betaalbaar is.

2. Die munisipaliteit moet, wanneer hy die bedrag vasstel wat deur die klant betaalbaar is wanneer 'n ooreenkoms vir die betaling van agterstallige bedrae in paaiemente aangegaan word ten opsigte van enige agterstallige bedrae, die volgende faktore in aanmerking neem:

a) die kredietrekord van die klant;
b) die agterstallige bedrag;
c) die verbruikvlak van munisipale dienste;
d) die diensvlak wat aan die klant verskaf is;
e) vorige verbrekings van ooreenkomste (indien enige) vir die betaling van agterstallige bedrae in paaiemente; en
f) enige ander tersaaklike faktore.

3. Indien 'n klant by die aangaan van 'n ooreenkoms vir die betaling van agterstallige bedrae in paaiemente aan die munisipaliteit bewys dat hy nie die bedrag wat in artikel 30(5) bedoel word, kan betaal nie, kan die munisipaliteit, nadat die faktore wat in subartikel (2) genoem word, in aanmerking geneem is —

a) sy betaling tot die einde van die maand waarin die klant die ooreenkoms aangaan, verleng; of
b) dit insluit by die bedrag wat ingevolge die ooreenkoms betaalbaar is.

4. Die munisipaliteit kan, nadat die faktore wat in subartikel (2) genoem word, in aanmerking geneem is, van die klant vereis om 'n bykomende bedrag te betaal wanneer 'n ooreenkoms vir die betaling van agterstallige bedrae aangegaan word, benewens die huidige rekening, wat 'n persentasie van die agterstallige bedrag verteenwoordig.

5. Die munisipaliteit kan, wanneer 'n klant 'n ooreenkoms aangaan of te eniger tyd daarna —

a) 'n voorafbetaalmeter installeer; of
b) die munisipale dienste tot basiese munisipale dienste beperk.

32. Duur van ooreenkomste

1. Geen ooreenkoms vir die betaling van agterstallige bedrae wat na 1 Januarie 2003 opgeloop het, mag voorsiening maak vir die betaling van agterstallige bedrae oor 'n tydperk van meer as 24 (vier en twintig) maande nie.

2. Die munisipaliteit kan, wanneer hy besluit oor die duur van die ooreenkoms vir die betaling van agterstallige bedrae, let op —

a) die kredietrekord van die klant;
b) die agterstallige bedrag;
c) die bruto en netto inkomste van die klant;
d) die verbruikvlak van munisipale dienste;
e) die diensvlak wat aan die verbruiker verskaf word;
f) vorige verbrekings van ooreenkomste vir die betaling van agterstallige bedrae in paaiemente; en
g) enige ander tersaaklike faktor.

33. *Versuim om ooreenkomste na te kom*

1. Indien 'n klant versuim om 'n ooreenkoms vir die betaling van agterstallige bedrae in paaiemente na te kom, sal die totaal van alle uitstaande bedrae, insluitende agterstallige bedrae, enige rente, administrasiegelde, koste aangegaan om toepaslike stappe te doen en strawwe, insluitende betaling van 'n groter deposito, onmiddellik sonder verdere kennisgewing of korrespondensie verskuldig en betaalbaar wees en die munisipaliteit kan —

a) die munisipale dienste wat gespesifiseer is in die finale aanmaningskennisgewing wat ooreenkomstig artikel 26 aan die verbruiker gestuur is, inkort of staak;
b) regstappe vir die verhaal van die agterstallige bedrae doen; en
c) die klant se rekening aan 'n skuldinvorderaar of prokureur vir invordering oorhandig.

34. Heraansluiting van dienste

1. 'n Ooreenkoms vir die betaling van die agterstallige bedrag in paaiemente wat aangegaan is nadat munisipale dienste ingekort of gestaak is, sal nie daartoe lei dat die dienste herstel word nie totdat —

a) die huidige rekening, die eerste paaiement betaalbaar ingevolge die ooreenkoms vir die betaling van agterstallige bedrae in paaiemente en alle verhaalbare administrasiegelde, koste aangegaan om toepaslike stappe te doen en enige strawwe, insluitende betaling van 'n groter deposito, ten volle betaal is; of
b) 'n skriftelike appèl deur die klant, op grond daarvan dat paaiemente en lopende bedrae verskuldig en betaalbaar vir 'n tydperk van minstens 6 (ses) maande betyds en ten volle betaal is, deur die munisipaliteit goedgekeur is.

2. Benewens enige betalings wat in subartikel (1) bedoel word, moet die klant die standaard aansluitgeld, soos van tyd tot tyd deur die munisipaliteit vasgestel, betaal voor die heraansluiting van munisipale dienste deur die munisipaliteit.

3. Munisipale dienste moet binne 7 (sewe) werkdae herstel word nadat 'n klant aan die bepalings van subartikels (1) en (2) voldoen het.

HOOFSTUK 3: EIENDOMSBELASTING

35. Bedrag verskuldig vir eiendomsbelasting

1. Die bepalings van Hoofstuk 2 is van toepassing op die verhaal van eiendomsbelasting, en eiendomsbelasting maak deel van 'n gekonsolideerde rekening en gekonsolideerde skuld uit.

2. Alle eiendomsbelasting wat deur eienaars verskuldig is, is betaalbaar op 'n vasgestelde datum soos deur die munisipaliteit bepaal.

3. Gesamentlike eienaars van eiendom is gesamentlik en afsonderlik aanspreeklik vir die betaling van eiendomsbelasting.

4. Eiendomsbelasting kan as 'n jaarlikse enkelbedrag of in gelyke maandelikse paaiemente gehef word; en wanneer dit in gelyke maandelikse paaiemente gehef word, kan die bedrag wat betaalbaar is by die munisipale rekening ingesluit word.

5. 'n Eienaar van eiendom bly aanspreeklik vir die betaling van eiendomsbelasting wat by munisipale rekenings ingesluit is nieteenstaande die feit dat —

a) die eiendom nie deur die eienaar daarvan geokkupeer word nie; of
b) die munisipale rekening op naam van 'n ander persoon as die eienaar van die eiendom is.

6. Betaling van eiendomsbelasting kan nie na die vasgestelde datum uitgestel word vanweë 'n beswaar teen die waardasie wat in die waardasielys aangegee word nie.

36. Eis van huurgeld vir agterstallige eiendomsbelasting

Die munisipaliteit kan by die hof aansoek doen om beslaglegging op huurgeld wat vir 'n langer tydperk as drie maande na 'n datum wat ingevolge artikel 35(2) vasgestel is, ten opsigte van belasbare eiendom verskuldig is, om enige bedrag wat ten opsigte van eiendomsbelasting verskuldig is gedeeltelik of heeltemal te dek.

37. Van die hand sit van munisipaliteit se eiendom en betaling van eiendomsbelasting

1. Die koper van munisipale eiendom is pro rata aanspreeklik vir die betaling van eiendomsbelasting op die eiendom vir die finansiële jaar waarin hy die nuwe eienaar word, vanaf die datum van registrasie van die eiendom op naam van die koper.

2. In geval die munisipaliteit die eiendom terugneem, is enige bedrag uitstaande en verskuldig ten opsigte van eiendomsbelasting op die koper verhaalbaar.

38. Eiendomsbelasting betaalbaar op munisipale eiendom

1. Vir die doel van aanspreeklikheid vir eiendomsbelasting, sal die huurder van munisipale eiendom vir die duur van die huurkontrak as die eienaar van die eiendom beskou word.

2. Die eiendomsbelasting betaalbaar deur 'n huurder, ondanks die feit dat dit 'n betaling benewens huurgeld is, kan as huurgeld beskou word en kan ingesluit word by 'n eis vir huurgeld asof dit huurgeld was.

HOOFSTUK 4: VERSKAFFING VAN MUNISIPALE DIENSTE AAN HULPBEHOEWENDE KLANTE

39. Kwalifikasie vir registrasie

'n Huishoudelike klant met 'n huishouding waarvan die bruto maandelikse inkomste van al sy lede 18 jaar of ouer minder is as 'n bedrag wat van tyd tot tyd deur die munisipale raad vasgestel is, en wat —

a) nie meer as een eiendom besit nie, en
b) nie 'n inkomste uit die verhuur van 'n eiendom of deel daarvan het nie, kwalifiseer as 'n hulpbehoewende persoon en kan, as hy aansoek om registrasie doen, behoudens die bepalings van artikels 42 en 43 van hierdie verordeninge as hulpbehoewend geregistreer word.

40. Aansoek om registrasie

1. 'n Huishoudelike klant wat as 'n hulpbehoewende klant wil kwalifiseer, moet die aansoekvorm getitel "Aansoek om Registrasie as Hulpbehoewende Klant", as Aanhangsel B by hierdie verordeninge aangeheg, voltooi.

2. 'n Aansoek ingevolge subartikel (1) moet —

vergesel gaan van —

a) dokumentêre bewys van sy inkomste, soos 'n brief van 'n werkgewer, 'n salarisadviesstrokie, 'n pensioenkaart, 'n werkloosheidversekeringsfondskaart of;
b) 'n beëdigde verklaring dat hy werkloos is en enige inkomste vermeld wat hy mag hê ondanks die feit dat hy werkloos is; en
c) die klant se jongste munisipale rekening, as daar een is en as dit in sy besit is; en
d) 'n gesertifiseerde afskrif van die klant se identiteitsdokument; en
e) die name en identiteitsnommers van alle okkupeerders bo 18 jaar oud wat op die eiendom woon.

3. Daar sal van 'n klant wat om registrasie as 'n hulpbehoewende klant aansoek doen, vereis word om te verklaar dat alle inligting wat in die aansoekvorm en ander dokumentasie verstrek word en inligting wat in verband met die aansoek verstrek word, waar en juis is.

4. Die munisipaliteit moet die aansoekvorm medeonderteken en op die aansoekvorm sertifiseer dat die inhoud daarvan en die gevolge vir die klant as dit goedgekeur word, aan hom verduidelik is en dat hy aangedui het dat hy die verduideliking verstaan het.

41. Goedkeuring van aansoek

1. Die munisipaliteit kan verteenwoordigers na persele of na persone wat om registrasie as hulpbehoewende klante aansoek doen, stuur om te ondersoek of die inligting wat voor goedkeuring van 'n aansoek verstrek is, juis is; en die bepalings van artikel 61 is van toepassing op so 'n ondersoek.

2. 'n Aansoek wat ooreenkomstig artikel 40 ontvang word, moet deur die munisipaliteit oorweeg word en die aansoeker moet binne 14 (veertien) werkdae na ontvangs van die aansoek skriftelik deur die munisipaliteit in kennis gestel word of goedkeuring verleen is of nie, en as dit nie goedgekeur is nie, moet redes vir die weiering aan die aansoeker verstrek word.

3. Die bepalings van Deel 5 van Hoofstuk 2 is, met die nodige veranderings, van toepassing ten opsigte van 'n klant wat gegrief voel oor 'n besluit van die munisipaliteit ingevolge subartikel (2).

4. 'n Aansoek mag slegs vir die tydperk van die munisipaliteit se finansiële jaar goedgekeur word en 'n aansoek wat gedurende die munisipaliteit se finansiële jaar goedgekeur is, is slegs geldig vir die oorblywende tydperk van die munisipaliteit se finansiële jaar.

42. Voorwaardes

Die munisipaliteit kan, by goedkeuring van 'n aansoek of te eniger tyd daarna —

a) 'n voorafbetaalelektrisiteitsmeter vir die hulpbehoewende klant installeer waar elektrisiteit deur die munisipaliteit verskaf word; en
b) die watervoorsieningsdienste van 'n hulpbehoewende klant tot basiese watervoorsieningsdienste beperk.

43. Jaarlikse aansoek

1. 'n Hulpbehoewende klant moet jaarliks, voor die einde van die munisipaliteit se finansiële jaar, aansoek om herregistrasie as 'n hulpbehoewende klant vir die komende finansiële jaar doen, by versuim waarvan die bystand outomaties gestaak sal word.

2. Die bepalings van artikels 39 en 40 is van toepassing op enige aansoek ingevolge subartikel (1).

3. 'n Hulpbehoewende klant moet geen verwagtings koester om as 'n hulpbehoewende klant beskou te word in 'n komende jaar, of 'n jaar wat volg op 'n jaar waarin hy aldus geregistreer is nie, en die munisipaliteit gee geen waarborg op grond van die verwagting van 'n hernuwing nie.

4. Die munisipaliteit moet die aansoeker skriftelik binne 14 (veertien) werkdae na ontvangs van die aansoek deur die munisipaliteit in kennis stel of die aansoek goedgekeur is of nie, en as dit nie goedgekeur is nie, moet die redes waarom dit nie goedgekeur is nie, aan die aansoeker verstrek word.

5. Die bepalings van Deel 5 van Hoofstuk 2 is, met die nodige veranderings, van toepassing ten opsigte van 'n klant wat gegrief voel oor 'n besluit van die munisipaliteit ingevolge subartikel (4).

44. Gesubsidieerde dienste vir hulpbehoewende klante

1. Die munisipale raad kan jaarliks as deel van sy begrotingsproses die munisipale dienste en munisipale diensvlakke wat gesubsidieer gaan word ten opsigte van hulpbehoewende klante vasstel, onderworpe aan die beginsels van volhoubaarheid en bekostigbaarheid.

2. Die munisipaliteit moet na 'n vasstelling ingevolge subartikel (1) openbare kennisgewing van die vasstelling gee.

3. 'n Openbare kennisgewing ingevolge subartikel (2) moet ten minste die volgende bevat:

a) die vlak of hoeveelheid van die munisipale diens wat gesubsidieer gaan word;
b) die subsidievlak;
c) die berekeningsmetode van die subsidie; en
d) enige spesiale bepalings en voorwaardes wat op die subsidie van toepassing sal wees waarvoor daar nie in hierdie verordeninge voorsiening gemaak is nie.

4. 'n Hulpbehoewende verbruiker is aanspreeklik vir die betaling van munisipale dienste wat deur die munisipaliteit gelewer word of munisipale dienste wat gebruik of verbruik word wat die vlakke of hoeveelhede wat in subartikel (1) vasgestel is, oorskry.

5. Die bepalings van Hoofstuk 2, met alle nodige veranderings, is van toepassing op die bedrae wat ingevolge subartikel (4) verskuldig en betaalbaar is.

45. Befondsing van gesubsidieerde dienste

Die gesubsidieerde dienste waarna in artikel 44 verwys word, word befonds uit die gedeelte van inkomste wat nasionaal verkry word en aan die munisipaliteit toegewys word, en as daardie

befondsing ontoereikend is, kan die dienste befonds word uit inkomste wat deur middel van belasting en gelde ten opsigte van munisipale dienste verkry word.

46. Bestaande agterstallige bedrae van hulpbehoewende klante by goedkeuring van aansoek

1. Agterstallige bedrae ten opsigte van die munisipale rekenings van klante wat voor registrasie as hulpbehoewende klante opgeloop het, sal opgeskort word vir die tydperk wat 'n klant as 'n hulpbehoewende klant geregistreer bly, en rente ten opsigte van agterstallige bedrae loop nie tydens so 'n opskorting op nie.

2. Agterstallige bedrae wat ingevolge subartikel (1) opgeloop het, sal by deregistrasie as 'n hulpbehoewende klant ooreenkomstig artikel 48 deur 'n klant verskuldig en betaalbaar word in maandelikse paaiemente wat deur die munisipaliteit vasgestel moet word, en rente sal op agterstallige bedrae betaalbaar wees.

3. Nieteenstaande die bepalings van subartikel (2), is agterstallige bedrae wat vir 'n tydperk van twee (2) jaar of langer opgeskort is, behoudens die bepalings van subartikel (4), by deregistrasie nie op 'n klant verhaalbaar nie.

4. Agterstallige bedrae wat weens die bepalings van subartikel (2) nie verhaal word nie, bly 'n vordering teen die eiendom van die hulpbehoewende klant vir 'n tydperk van 5 (vyf) jaar nadat die klant die eerste keer as 'n hulpbehoewende klant geregistreer is, en word verskuldig en betaalbaar wanneer die eiendom verkoop word, ongeag die feit dat die klant nie meer as 'n hulpbehoewende klant geregistreer is ten tye van die verkoop van die eiendom nie. 'n Klaringsertifikaat ten opsigte van die eiendom mag slegs deur die munisipaliteit uitgereik word wanneer sodanige agterstallige bedrae ten volle vereffen is.

47. Oudits

Die munisipaliteit kan, behoudens die bepalings van enige reg op privaatheid en geheimhouding wat deur 'n wet erken word, gereelde steekproefoudits doen om —

a) die inligting wat deur hulpbehoewende klante verstrek word, te verifieer;
b) enige veranderings in die omstandighede van hulpbehoewende klante aan te teken; en
c) aanbevelings oor die deregistrasie van die hulpbehoewende klant te maak.

48. Deregistrasie

1. 'n Hulpbehoewende klant moet onmiddellik deregistrasie deur die munisipaliteit versoek as sy omstandighede in so 'n mate verander het dat hy nie meer voldoen aan die kwalifikasies wat in artikel 39 uiteengesit word nie.

2. 'n Hulpbehoewende klant word outomaties gederegistreer as 'n aansoek nie ooreenkomstig artikel 43 gedoen word nie of as so 'n aansoek nie goedgekeur word nie.

3. 'n Hulpbehoewende klant mag te eniger tyd deregistrasie versoek.

4. 'n Munisipaliteit kan 'n hulpbehoewende klant deregistreer indien —

a) 'n oudit of verifikasie tot die gevolgtrekking kom dat die finansiële omstandighede van die hulpbehoewende klant in so 'n mate verander het dat hy nie meer voldoen aan die kwalifikasies wat in artikel 39 uiteengesit word nie; of
b) die munisipaliteit redelikerwys vermoed dat 'n klant opsetlik of nalatig vals inligting op die aansoekvorm of enige ander dokumente en inligting in verband met die aansoek verstrek het.

5. Voor deregistrasie van 'n hulpbehoewende klant moet 'n deregistrasiekennisgewing per hand afgelewer word by, of per geregistreerde pos gestuur word na, die mees onlangs aangetekende adres van die klant.

6. Die deregistrasiekennisgewing moet die volgende verklarings bevat:
a) dat die munisipaliteit dit oorweeg om die hulpbehoewende klant te deregistreer en die redes daarvoor;
b) dat die klant binne 7 (sewe) werkdae vanaf die datum van die deregistrasiekennisgewing vertoë tot die munisipaliteit moet rig oor waarom hy nie gederegistreer moet word nie;
c) dat, indien geen sodanige vertoë binne die gemelde tydperk gerig word nie, hy as 'n hulpbehoewende klant gederegistreer sal word; en
d) dat by deregistrasie betaling vir alle dienste wat die klant as 'n hulpbehoewende klant ontvang het, verhaal kan word as deregistrasie oorweeg word op grond van die verstrekking van vals inligting of versuim om aan subartikel (1) te voldoen.

7. Die munisipaliteit kan, onmiddellik na verstryking van die tydperk van 7 (sewe) werkdae wat vir die rig van vertoë toegelaat is, die hulpbehoewende klant deregistreer.

8. Waar 'n hulpbehoewende klant gederegistreer word op grond van die verstrekking van vals inligting, kan die munisipaliteit betaling vir alle dienste wat deur die klant as 'n hulpbehoewende klant ontvang is, op die klant verhaal, benewens enige ander regstappe wat die munisipaliteit teen so 'n klant kan doen.

9. Indien die hulpbehoewende klant binne die gespesifiseerde tydperk vertoë tot die munisipaliteit rig, moet die munisipaliteit die klant skriftelik binne 7 (sewe) werkdae na die vertoë in kennis stel van sy besluit om die klant te deregistreer of nie.

10. Die bepalings van Deel 5 van Hoofstuk 2 is mutatis mutandis van toepassing ten opsigte van 'n klant wat gegrief voel oor deregistrasie ingevolge subartikel (4).

HOOFSTUK 5: NOODSITUASIES

49. Verklaring van noodsituasie

1. Die munisipale raad kan te eniger tyd op versoek van die munisipaliteit by openbare kennisgewing verklaar dat 'n noodsituasie in 'n voorsieningsone ten opsigte van 'n munisipale diens, of meer as een munisipale diens, bestaan indien, na sy mening, 'n beduidende risiko vir die finansiële lewensvatbaarheid of volhoubaarheid van die munisipaliteit, of die volhoubare lewering van 'n spesifieke munisipale diens aan die gemeenskap bestaan en geen ander redelike maatreëls getref kan word om die risiko te vermy of te beperk nie, maar mag dit slegs doen as die munisipaliteit 'n verslag voorgelê het wat minstens die volgende bevat —

a) besonderhede van alle maatreëls wat getref is om die risiko te vermy of te beperk;
b) 'n assessering van waarom enige maatreël wat deur hom getref is om die risiko te vermy of te beperk onsuksesvol was;
c) besonderhede van die voorgestelde maatreëls wat deur hom getref gaan word om die risiko te vermy of te beperk;
d) 'n assessering van die impak of potensiële impak van die voorgestelde maatreëls op individuele klante binne die betrokke voorsieningsone, insluitende, maar nie beperk nie tot, gesondheid en toegang tot basiese dienste;
e) besonderhede van die opvoedkundige en kommunikasiemaatreëls wat getref gaan word, of getref is, voor die implementering van die voorgestelde maatreëls;
f) die duur van die voorgestelde maatreëls wat getref gaan word; en
g) besonderhede van die redelike maatreëls wat getref gaan word om gelyke toegang deur elke huishouding in die voorsieningsone tot daardie munisipale diens te verseker.

2. 'n Openbare kennisgewing ingevolge subartikel (1) moet minstens die volgende besonderhede wat op 'n spesifieke noodtoestand van toepassing is, bevat:

a) die redes vir die verklaring;
b) die klante en voorsieningsone wat deur die verklaring geraak sal word;
c) die soort, vlak en hoeveelheid van die munisipale diens wat verskaf sal word;
d) die duur van die verklaring;
e) die metode van implementering van die verklaring;
f) spesifieke maatreëls of voorsorgmaatreëls wat deur geaffekteerde klante getref moet word; en
g) spesiale verligting wat op aansoek deur die munisipaliteit aan individuele klante toegestaan kan word.

3. In geval van die verklaring van 'n voorsieningsone as 'n noodgebied ooreenkomstig subartikels (1) en (2), kan die munisipale dienste aan daardie voorsieningsone beperk word tot basiese munisipale dienste vir 'n huishouding soos deur die munisipaliteit van tyd tot tyd vasgestel, met dien verstande dat munisipale dienste wat deur die munisipaliteit aan daardie voorsieningsone verskaf word, in geen stadium minder mag wees as die kollektiewe kwantiteit en kwaliteit van basiese munisipale dienste soos deur die munisipale raad per huishouding in daardie voorsieningsone vasgestel nie.

4. Die munisipaliteit moet 'n maandelikse statusverslag aan die munisipale raad voorlê wat minstens die volgende besonderhede bevat:

a) enige verbetering in die toestande wat weerspieël is in die inligting waarop die verklaring gebaseer is;
b) die impak van die voorgestelde maatreëls op individuele klante binne die betrokke voorsieningsone, insluitende, maar nie beperk nie tot, implikasies vir gesondheid en toegang tot basiese dienste; en
c) spesiale verligting wat aan individuele klante toegestaan word.

5. Die munisipale raad moet by openbare kennisgewing verklaar dat 'n gebied nie meer 'n noodgebied is nie —

a) indien enige van die inligting waarop die verklaring gebaseer was, in so 'n mate verbeter dat die vermyding of beperking van die risiko waarna daar in subartikel (1) verwys word, nie meer die verklaring daarvan as 'n noodgebied regverdig nie;
b) indien, na sy mening, buitensporige ontbering gely is deur klante wat deur die verklaring geraak is; en
c) na verstryking van die tydperk wat in subartikels (1) en (2) gespesifiseer word.

6. Die munisipaliteit kan die munisipale raad versoek om 'n voorsieningsone 'n noodgebied te verklaar na die beëindiging van 'n verklaring ingevolge subartikel (3) indien, na die munisipaliteit se mening, 'n nuwe verklaring nodig is.

7. Die bepalings van subartikels (1) tot (4) is van toepassing op 'n versoek ingevolge subartikel (6).

HOOFSTUK 6: ONGEMAGTIGDE DIENSTE

50. Ongemagtigde dienste

1. Niemand mag toegang tot munisipale dienste kry nie tensy dit ingevolge 'n ooreenkoms is wat met die munisipaliteit vir die lewering van daardie dienste aangegaan is.

2. Die munisipaliteit kan, ongeag enige ander stappe wat hy teen 'n persoon ingevolge hierdie verordeninge kan doen, by skriftelike kennisgewing 'n persoon wat ongemagtigde dienste gebruik gelas om —

a) aansoek om sulke dienste ingevolge artikels 1 en 2 te doen; en
b) enige werk te onderneem wat nodig mag wees om te verseker dat die klantinstallasie waardeur toegang verkry is aan die bepalings van hierdie en enige ander toepaslike verordeninge voldoen of indien hy van mening is dat die situasie 'n saak van dringendheid is, en kan, sonder vooraf kennisgewing, die nie-nakoming verhoed of regstel en die koste op sodanige persoon verhaal.

3. 'n Persoon wat toegang tot munisipale dienste verkry op 'n ander manier as ingevolge 'n ooreenkoms wat met die munisipaliteit vir die lewering van daardie dienste aangegaan is, is aanspreeklik om te betaal vir enige dienste wat hy strydig met hierdie verordeninge gebruik of verbruik het, nieteenstaande enige ander stappe wat teen so 'n persoon gedoen kan word. Verbruik en gebruik sal geraam word op die grondslag van die gemiddelde verbruik van dienste in die spesifieke gebied waarbinne die ongemagtigde aansluiting gemaak is.

51. Inmenging met infrastruktuur vir die verskaffing van munisipale dienste

1. Geen persoon buiten die munisipaliteit mag infrastruktuur waardeur munisipale dienste verskaf word, bestuur, bedryf of in stand hou nie.

2. Geen persoon behalwe die munisipaliteit mag 'n aansluiting aan infrastruktuur waardeur munisipale dienste verskaf word, bewerkstellig nie.

3. Geen persoon mag opsetlik of nalatig infrastruktuur waardeur die munisipaliteit munisipale dienste verskaf, beskadig, verander of in enige opsig daarmee inmeng nie, tensy daar 'n wettige regverdiging is om dit opsetlik te doen.

4. Indien 'n persoon subartikel (1) oortree, kan die munisipaliteit —

a) by skriftelike kennisgewing so 'n persoon gelas om die skade, verandering of inmenging binne 'n gespesifiseerde tydperk op sy eie koste te staak of reg te stel; of
b) indien hy van mening is dat die situasie 'n saak van dringendheid is, sonder vooraf kennisgewing die verandering, skade of inmenging verhoed of regstel, en die koste daarvan op sodanige persoon verhaal.

52. Versperring van toegang tot infrastruktuur vir die verskaffing van munisipale dienste

1. Geen persoon mag fisiese toegang tot infrastruktuur waardeur munisipale dienste verskaf word, verhoed of versper nie.

2. Indien 'n persoon subartikel (1) oortree, kan die munisipaliteit —

a) by skriftelike kennisgewing so 'n persoon gelas om binne 'n gespesifiseerde tydperk op sy eie koste toegang te herstel; of
b) indien hy van mening is dat die situasie 'n saak van dringendheid is, sonder vooraf kennisgewing toegang herstel en die koste daarvan op sodanige persoon verhaal.

53. Onwettige heraansluiting

1. 'n Klant wie se toegang tot munisipale dienste ingekort of gestaak is en wat, behalwe soos in hierdie verordeninge bepaal word, daardie dienste herstel of heraansluit of opsetlik of

nalatig inmeng met infrastruktuur waardeur munisipale dienste verskaf word, se dienste moet gestaak word nadat hy redelike skriftelike kennis gekry het.

2. 'n Persoon wat weer by munisipale dienste aansluit in die omstandighede wat in subartikel (1) bedoel word, is aanspreeklik vir enige dienste wat hy strydig met hierdie verordeninge benut of verbruik het, nieteenstaande enige ander stappe wat teen hom gedoen kan word.

3. Verbruik sal geraam word op die grondslag van die gemiddelde verbruik van dienste in die spesifieke gebied waarbinne die onwettige heraansluiting gemaak is.

HOOFSTUK 7: MISDRYWE

54. Misdrywe

1. Behoudens subartikel (2), is 'n persoon wat —

a) 'n bepaling van hierdie verordeninge oortree of versuim om daaraan te voldoen, buiten 'n bepaling wat op betaling vir munisipale dienste betrekking het;
b) versuim om te voldoen aan 'n kennisgewing wat ingevolge hierdie verordeninge uitgereik is;
c) versuim om 'n wettige opdrag wat ingevolge hierdie verordeninge gegee is, na te kom, of
d) 'n gemagtigde beampte of werknemer van die munisipaliteit in die uitvoering van sy pligte kragtens hierdie verordeninge dwarsboom of hinder, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens 6 maande, en in die geval van 'n voortgesette misdryf, met 'n verdere boete van hoogstens R800, of by wanbetaling, met gevangenisstraf van hoogstens een dag vir elke dag wat sodanige misdryf voortduur, nadat 'n skriftelike kennisgewing deur die munisipaliteit uitgereik en aan die betrokke persoon beteken is waarin die beëindiging van so 'n misdryf vereis word.

2. 'n Persoon wat nie kan bekostig om 'n boete te betaal nie, sal nie strafbaar met gevangenisstraf wees nie, en is in plaas daarvan strafbaar met 'n tydperk van gemeenskapsdiens.

3. 'n Persoon wat die bepalings van hierdie verordeninge oortree, is aanspreeklik om die munisipaliteit te vergoed vir enige verlies of skade wat hy as gevolg van die oortreding gely het.

HOOFSTUK 8: DOKUMENTASIE

55. Ondertekening van kennisgewings en dokumente
'n Kennisgewing of dokument wat ingevolge hierdie verordeninge deur die munisipaliteit uitgereik moet word en wat voorgee onderteken te wees deur 'n werknemer van die munisipaliteit maak, behoudens artikel 3 van die Wet op Bewysreg, 1988 (Wet no. 45 van 1988), deur blote voorlegging daarvan prima facie-bewys uit dat dit behoorlik uitgereik is.

56. Kennisgewings en dokumente
1. 'n Kennisgewing, lasgewing of ander dokument wat ingevolge hierdie verordeninge aan 'n persoon beteken word, moet, behoudens die bepalings van die Strafproseswet, 1977 (Wet no. 51 van 1977), persoonlik beteken word, by versuim waarvan dit as behoorlik beteken geag kan word —

a) wanneer dit by daardie persoon se woon- of besigheidsplek gelaat is of, waar sy huishouding in die Republiek geleë is, wanneer dit gelaat is by 'n persoon wat oënskynlik 16 jaar of ouer is;
b) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit óf persoonlik óf op die wyse waarvoor daar in paragrawe (a), (c) of (d) voorsiening gemaak word, aan daardie persoon se agent of verteenwoordiger in die Republiek beteken is; of
c) indien daardie persoon se adres en die identiteit of die adres van sy verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opvallende plek op die eiendom of perseel, indien enige, waarop dit betrekking het, opgeplak is; of
d) wanneer dit per geregistreerde pos gestuur is, hetsy betekening per geregistreerde pos vereis word of nie, en dit bewerkstellig is deur 'n geregistreerde brief wat die kennisgewing, lasgewing of ander dokument bevat, behoorlik aan die geadresseerde se laaste bekende woonplek, besigheidsplek of posadres te adresseer, vooruit te betaal en te pos en, tensy die teendeel bewys word, is dit veronderstel bewerkstellig te gewees het op die tydstip wat die brief in die gewone loop van pos afgelewer sou word.

2. Wanneer 'n kennisgewing of ander dokument gemagtig moet word of aan die eienaar, okkupeerder of houer van 'n eiendom of reg in enige eiendom beteken moet word, is dit afdoende as daardie persoon in die kennisgewing of ander dokument as die eienaar, okkupeerder of houer van die betrokke eiendom of reg beskryf word, en dit is nie nodig om daardie persoon se naam te noem nie.

3. 'n Regsproses is effektief en doeltreffend aan die munisipaliteit beteken wanneer dit by die munisipale bestuurder of persoon aanwesig in die munisipale bestuurder se kantoor afgelewer word.

4. Waar nakoming van 'n kennisgewing binne 'n gespesifiseerde aantal werkdae vereis word, begin daardie tydperk op die datum van betekening soos in subartikel (1) omskryf.

57. Waarmerk van dokumente
Elke lasgewing, kennisgewing of ander dokument wat waarmerking deur die munisipaliteit vereis, is afdoende gewaarmerk indien dit onderteken is deur die munisipale bestuurder, of deur 'n persoon wat behoorlik by besluit van die munisipaliteit, skriftelike ooreenkoms of deur 'n verordening gemagtig is om dit namens die munisipaliteit te doen.

58. Prima facie-bewys
In regsverrigtinge deur of namens die munisipaliteit maak 'n sertifikaat wat 'n bedrag geld weerspieël wat voorgee aan die munisipaliteit verskuldig en betaalbaar te wees, wat onderteken is deur die munisipale bestuurder of deur 'n geskik gekwalifiseerde werknemer van die munisipaliteit wat deur die munisipale bestuurder gemagtig is om te teken, of die bestuurder van die munisipaliteit se gemagtigde agent, behoudens artikel 3 van die Wysigingswet op die Bewysreg, 1988 (Wet no. 45 van 1988), by blote voorlegging prima facie-bewys van die verskuldigdheid uit.

HOOFSTUK 9: ALGEMENE BEPALINGS

59. Verskaffing van inligting
'n Eienaar, okkupeerder, klant of persoon binne die voorsieningsgebied van die munisipaliteit moet die munisipaliteit van akkurate inligting voorsien wat deur die munisipaliteit versoek word en wat redelikerwys deur die munisipaliteit vereis word vir die implementering of toepassing van hierdie verordeninge.

60. Bevoegdheid van betreding en inspeksie
1. Die munisipaliteit kan te alle redelike tye, nadat redelike skriftelike kennisgewing aan die okkupeerder van die perseel gegee is van die voorneme om dit te doen, waar gepas, 'n perseel betree en inspekteer vir enige doel wat met die implementering of toepassing van hierdie verordeninge verband hou.

2. Enige betreding of inspeksie moet geskied in ooreenstemming met die vereistes van die Grondwet van die Republiek van Suid-Afrika, 1996, en enige ander wet en, in die besonder, met streng inagneming van ordentlikheid en orde, respek vir 'n persoon se waardigheid, vryheid en sekuriteit en persoonlike privaatheid.

3. Die munisipaliteit se verteenwoordiger kan vergesel word deur 'n tolk of enige ander persoon wat redelikerwys nodig is om die gemagtigde persoon met die uitvoer van die inspeksie te help.

4. 'n Persoon wat die munisipaliteit verteenwoordig moet, op versoek, sy of haar identifikasie toon.

61. Vrystelling
1. Die munisipaliteit kan 'n eienaar, klant, enige ander persoon of kategorie eienaars, belastingbetalers en gebruikers van dienste vrystel van nakoming van 'n bepaling van hierdie verordeninge, onderworpe aan enige voorwaardes wat hy mag stel, indien hy van mening is dat die toepassing of werking van daardie bepaling onredelik sal wees, met dien verstande dat die munisipaliteit nie vrystelling van enige artikel van hierdie verordeninge mag verleen nie wat kan lei tot —
a) die verkwisting of buitensporige verbruik van munisipale dienste;
b) die vermyding of ontduiking van waterbeperkings;
c) 'n beduidende negatiewe uitwerking op openbare gesondheid, veiligheid of die omgewing;
d) die nie-betaling vir dienste;
e) die nie-nakoming van die Wet, of enige regulasies wat daarkragtens uitgevaardig is.

2. Die munisipaliteit kan te eniger tyd nadat skriftelike kennis van minstens dertig dae gegee is, enige vrystelling wat ingevolge subartikel (1) gegee is, terugtrek.

62. Vrywaring van aanspreeklikheid
Nóg 'n werknemer van die munisipaliteit nóg enige persoon, liggaam, organisasie of korporasie wat namens die munisipaliteit optree, is aanspreeklik vir enige skade wat ontstaan uit enige handeling of versuim wat in goeie trou in die loop van sy of haar pligte gedoen is.

63. Beskikbaarheid van verordeninge
1. 'n Afskrif van hierdie verordeninge moet ingesluit word by die munisipaliteit se Munisipale Kode soos deur wetgewing vereis.

2. Die munisipaliteit moet redelike stappe doen om klante van die inhoud van die verordeninge in kennis te stel.

3. 'n Afskrif van hierdie verordeninge moet te alle tye by die kantore van die munisipaliteit ter insae beskikbaar wees.

4. 'n Afskrif van die verordeninge of 'n uittreksel daarvan kan teen betaling van 'n bedrag, soos deur die munisipale kantoor vasgestel, by die munisipaliteit verkry word.

64. Strydige vertolking

1. Indien daar enige teenstrydigheid tussen hierdie verordeninge en enige ander verordeninge van die raad is, geld hierdie verordeninge.

65. Herroeping van bestaande munisipale kredietbeheer- en skuldinvorderingsverordeninge

Die bepalings van enige verordeninge betreffende waterdienste van die munisipaliteit word hiermee herroep vir sover dit betrekking het op aangeleenthede waarvoor daar in hierdie verordeninge voorsiening gemaak word.

66. Kort titel en inwerkingtreding

1. Hierdie verordeninge heet die Skuldinvorderings- en Kredietbeheerverordeninge van die Thembelihle Munisipaliteit.

2. Hierdie verordeninge tree in werking by publikasie daarvan in die Provinsiale Koerant.

3. Die munisipaliteit kan, by kennisgewing in die Provinsiale Koerant, bepaal dat bepalings van hierdie verordeninge, in die kennisgewing gelys, nie in sekere gebiede binne sy regsgebied wat in die kennisgewing gelys word, vanaf 'n datum wat in die kennisgewing gespesifiseer word, van toepassing is nie.

4. Tensy 'n kennisgewing wat in subartikel (2) bedoel word, uitgereik word, is hierdie verordeninge bindend binne die hele regsgebied.

AANHANGSEL A: AANSOEK OM MUNISIPALE DIENSTE

Soort aansoek				
	Huishoudelik		Kommersieel / Industrieel	Institusioneel
Soort klant				
Individu	BK	Vennoot	Edms (Bpk)	Huurder
Eienaar				
Besonderhede van aansoeker				
Naam van korporatiewe entiteit				
Registrasienommer van korporatiewe entiteit				
Van			Voorletters	
ID-nommer				
Huwelikstaat				
Indien getroud – in / buite gemeenskap van goed				
Beroep				
Tel. no.				
Sel no.				
e-posadres				
Besonderhede van gade waar in gemeenskap van goed getroud				
Van			Voorletters	
ID-nommer				
Beroep				
Tel. no.				
Sel no.				
e-posadres				
Adres van aansoeker (vir doeleindes van rekeningaflewering en fisiese adres vir die aflewering van kennisgewings en dokumente)				
Fisiese adres			Posadres	
Naasbestaande				
1. Naam			Tel. no.	
Adres				
2. Naam			Tel. no.	
Adres				
Werkgewer se besonderhede				
Naam			Tel. no.	
Fisiese adres			Tydperk in diens	
			Werknemer se registrasie no.	
Kredietverwysings				
1. Naam van maatskappy			Rekening no.	
Adres			Tel. no.	
2. Naam van maatskappy			Rekening no.	
Adres			Tel. no.	

Besonderhede van eienaar (indien nie aansoeker nie)	
Naam van korporatiewe entiteit	
Registrasienommer van korporatiewe entiteit	
Van	Voorletters
ID-nommer	
Beroep	
Tel. no.	
Sel no.	
Fisiese adres	Posadres
Eiendom waar munisipale dienste verskaf moet word	
Voorstad	
Sone	
Standplaas no.	
Straatnaam	
Straatnommer	
Aantal persone bo die ouderdom van 18 jaar wat op die eiendom woon	
Soort munisipale dienste wat verskaf moet word	
Watervoorsieningsdienste	Gemeenskapstaanpyp
	Werfaansluiting
	Huisaansluiting
Sanitasiedienste	Nagvuilverwydering
	Spoelriolering
Elektrisiteitsdienste	Voorafbetaal
	Ander
Afvalverwyderingsdienste	
Datum waarop verskaffing van dienste moet begin	
Betaalbesonderhede	
Kontant (insluitende tjek en kredietkaart)	
Debietorder	
Aftrekorder	
Ander metode van elektroniese oordrag	
Bankbesonderhede	Tak
	Rekening no.
'N GESERTIFISEERDE AFSKRIF VAN DIE AANSOEKER SE IDENTITEITSDOKUMENT / VOLMAG, 'N AFSKRIF VAN 'N VORIGE MUNISIPALE REKENING BY DIE MUNISIPALITEIT OF 'N ANDER MUNISIPALITEIT EN 'N BORG, INDIEN DIE AANSOEKER 'N KORPORATIEWE ENTITEIT IS, MOET BY DIE AANSOEK AANGEHEG WORD	
Ek/Ons – (a) doen hiermee aansoek dat munisipale dienste aan bogenoemde eiendom verskaf word; (b) verklaar dat ek/ons ingelig is dat die dokumente waarna daar hierbo verwys word, gedurende kantoorure by die kantore van die munisipaliteit ter insae beskikbaar is; (c) verklaar dat hierdie aansoekvorm en die implikasies daarvan aan my/ons verduidelik is; (d) verklaar dat alle betalings wat deur my verskuldig en betaalbaar is na aanleiding van hierdie aansoekvorm stiptelik op die betaaldatum deur my/ons betaal sal word; en (e) verklaar dat die inligting wat in hierdie aansoekvorm verstrek word, waar en juis is.	

Aansoeker _____
Munisipaliteit _____

_____
_____

Datum Datum

_____
Handtekening van eienaar (indien nie aansoeker nie)

_____
Datum

SERTIFISERING DEUR MUNISIPALITEIT

Die gevolge van bogenoemde verklaring wat deur die aansoeker gemaak is, is aan hom/haar verduidelik en hy/sy het te kenne gegee dat hy/sy die inhoud van die aansoek verstaan het.

Munisipaliteit _____ Datum _____

SLEGS VIR KANTOORGEBRUIK
Deposito betaal Datum Bedrag Kwitansie nommer
Rekening nommer
Aanvangsdatum van dienste
Gebiedskode
Meterlesing by aanvang van dienste Elektrisiteit Water

LET WEL: 'N SAMEVATTING VAN DIE BETAALVERPLIGTINGE VAN VERBRUIKER KAN AGTEROP DIE AANSOEKVORM INGESLUIT WORD

AANHANGSEL B: AANSOEK OM REGISTRASIE AS HULPBE-HOEWENDE KLANT

Let wel: 'n Aansoek om munisipale dienste moet voltooi of by voorlegging van hierdie aansoek bygewerk word.

Besonderhede van aansoeker		
Van		Voorletters
ID-nommer		
Huwelikstaat		
Indien getroud – in / buite gemeenskap van goed		
Beroep		
Tel. no.		
Sel no.		
Adres van aansoeker		
Fisiese adres		Posadres
Aantal eiendomme wat aan aansoeker en alle lede van die huishouding behoort		
Besonderhede van eiendomme, indien toepaslik		
Eiendom 1	Fisiese adres	
	Naam van eienaar	
	Naam van verbandhouer	
	Rekeningnommer	
	Akteregistrasienommer	
	Soort struktuur	
Eiendom 2	Naam van eienaar	
	Naam van verbandhouer	
	Rekeningnommer	
	Akteregistrasienommer	
	Soort struktuur	
Word eiendom / eiendomme of 'n deel daarvan aan 'n derde persoon verhuur? (Ja / Nee)		
Indien verhuur, huurgeld ontvang		
Aantal lede in huishouding		
Gekombineerde bruto inkomste van alle lede van die huishouding per maand		
Besonderhede van alle lede van die huishouding bo die ouderdom van 18 jaar wat op die eiendom woon		
1. Van	2. Van	
Volle naam	Volle naam	
ID-nommer	ID-nommer	
In diens? (Ja / Nee)	In diens? (Ja / Nee)	
Salaris insluitende voordele, indien toepaslik	Salaris insluitende voordele, indien toepaslik	
3. Van	4. Van	
Volle naam	Volle naam	
ID-nommer	ID-nommer	
In diens? (Ja / Nee)	In diens? (Ja / Nee)	
Salaris insluitende voordele, indien toepaslik	Salaris insluitende voordele, indien toepaslik	
5. Van	6. Van	
Volle naam	Volle naam	
ID-nommer In diens? (Ja / Nee)	ID-nommer In diens? (Ja / Nee)	
Salaris insluitende voordele, indien toepaslik	Salaris insluitende voordele, indien toepaslik	

Besonderhede van enige ander inkomste deur huishouding ontvang: (soos ouderdomspensioen, ongeskiktheidspensioen, welsyn, ens.)	
1. Soort inkomste	2. Soort inkomste
Instelling	Instelling
Bedrag	Bedrag
Verwysingsnommer	Verwysingsnommer
3. Soort inkomste	4. Soort inkomste
Instelling	Instelling
Bedrag	Bedrag
Verwysingsnommer	Verwysingsnommer
5. Soort inkomste	6. Soort inkomste
Instelling	Instelling
Bedrag	Bedrag
Verwysingsnommer	Verwysingsnommer
Besonderhede van maandelikse uitgawes van huishouding:	
1. Kruideniersware	2. Skoolgelde
3. Klere	4.
5.	6.
7.	8.
9.	10.
Besonderhede van lopende skulde van die huishouding: (insluitende versekeringspolisse en kredietaankope)	
1. Instelling	2. Instelling
Rekeningnommer	Rekeningnommer
Bedrag verskuldig	Bedrag verskuldig
3. Instelling	4. Instelling
Rekeningnommer	Rekeningnommer
Bedrag verskuldig	Bedrag verskuldig
5. Instelling	6. Instelling
Rekeningnommer	Rekeningnommer
Bedrag verskuldig	Bedrag verskuldig
Besonderhede ten opsigte van regs- en ander stappe gedoen ten opsigte van lopende uitgawes / skulde van die huishouding: (Administrasiebevele, sekwestrasie, ander hofbevele, gelys by 'n kredietagentskap, ens.)	
1. Instelling	2. Instelling
Soort stappe	Soort stappe
Saaknommer	Saaknommer
Bedrag verskuldig	Bedrag verskuldig
3. Instelling	4. Instelling
Soort stappe	Soort stappe

Saaknommer	Saaknommer
Bedrag verskuldig	Bedrag verskuldig
5. Instelling	6. Instelling
Soort stappe	Soort stappe
Saaknommer	Saaknommer
Bedrag verskuldig	Bedrag verskuldig

Die volgende dokumente moet aangeheg word –

1. Dokumentêre bewys van inkomste (soos 'n brief van die klant se werkgewer, 'n salarisadvies, 'n pensioenkaart, werkloosheidversekeringsfondskaart, ens.); of
2. 'n Beëdigde verklaring van werkloosheid of inkomste; en
3. Jongste munisipale rekening in besit van klant; en
4. 'n Gesertifiseerde afskrif van die aansoeker se identiteitsdokument.

A. Ek –
   1. doen aansoek om registrasie as 'n hulpbehoewende klant vir 'n tydperk van een jaar;
   2. aanvaar die voorwaardes wat op hierdie aansoek van toepassing is soos in die munisipaliteit se beleid, verordeninge en verskaffingsvoor-waardes van enige diensverskaffer van die munisipaliteit uiteengesit word;
   3. verklaar dat ek ingelig is dat die dokumente waarna verwys word, gedurende kantoorure by die kantore van die munisipaliteit ter insae beskikbaar is;
   4. verklaar dat hierdie aansoekvorm en die implikasies daarvan aan my verduidelik is;
   5. verklaar dat alle betalings wat na aanleiding van hierdie aansoek deur my verskuldig en betaalbaar is, stiptelik op die betaaldatum deur my betaal sal word; en
   6. verklaar dat die inligting wat in hierdie aansoekvorm verstrek word, waar en juis is.

B. Ek verklaar en aanvaar voorts dat die volgende spesifieke voorwaardes op hierdie aansoek van toepassing is –

1. Die munisipaliteit kan voor goedkeuring van 'n aansoek of te eniger tyd daarna gemagtigde verteenwoordigers na die persele of huishoudings van persone wat om registrasie as hulpbehoewende klante aansoek doen, stuur om oudits ter plaatse te doen van inligting wat verskaf is.
2. 'n Aansoek mag slegs vir 'n tydperk van 12 (twaalf) maande goedgekeur word.
3. Die munisipaliteit kan by goedkeuring van 'n aansoek of te eniger tyd daarna –
   3.1 'n voorafbetaalelektrisiteitsmeter vir die hulpbehoewende klant installeer waar elektrisiteit deur die munisipale agent verskaf word; en
   3.2 die watervoorsieningsdienste van 'n hulpbehoewende klant inkort tot 'n basiese voorsiening van nie minder nie as 6 (ses) kiloliter per maand.
4. 'n Hulpbehoewende klant moet jaarliks heraansoek doen om registrasie as 'n hulpbehoewende klant, by versuim waarvan die bystand outomaties gestaak sal word.
5. Die munisipaliteit gee geen waarborg van hernuwing nie.
6. Die munisipale raad kan jaarliks as deel van sy begrotingsproses die munisipale dienste en vlakke daarvan wat ten opsigte van hulpbehoewende klante ooreenkomstig nasionale beleid gesubsidieer sal word, vasstel, maar onderworpe aan beginsels van volhoubaarheid en bekostigbaarheid.
7. Vir enige ander munisipale dienste wat deur die munisipaliteit gelewer word of munisipale dienste wat verbruik word wat die hoeveelhede wat in 6 hierbo gespesifiseer word, oorskry, sal gelde gevra word en die hulpbehoewende klant is aanspreeklik vir die betaling van sodanige gelde wat op die oorskrydingsverbruik gehef word. Normale kredietbeheerprosedures is van toepassing ten opsigte van oorskrydingsverbruik.
8. Agterstallige bedrae wat ten opsigte van munisipale rekenings van klante voor registrasie as hulpbehoewende klante oploop, sal opgeskort word, sonder dat rente ten opsigte van sodanige agterstallige bedrae oploop, vir die tydperk wat 'n klant as 'n hulpbehoewende klant geregistreer bly.
9. Opgeskorte agterstallige bedrae is by deregistrasie verskuldig en betaalbaar deur die klant in maandelikse paaiemente soos deur die munisipaliteit vasgestel.
10. Agterstallige bedrae wat vir 'n tydperk van twee (2) jaar of langer opgeskort is, is nie verhaalbaar op 'n klant by deregistrasie nie.
11. Die munisipaliteit kan gereelde steekproefoudits doen om –

11.1 die inligting te verifieer wat deur hulpbehoewende klante verskaf word;
11.2 enige veranderings in die omstandighede van hulpbehoewende klante aan te teken; en
11.3 aanbevelings oor die deregistrasie van die hulpbehoewende klant te maak.

12. 'n Klant wat vals inligting in die aansoekvorm en / of enige ander dokumentasie en inligting in verband met die aansoek verskaf of verskaf het –
12.1 word outomaties, sonder kennisgewing, as 'n hulpbehoewende klant gederegistreer vanaf die datum waarop die munisipaliteit bewus geword het dat sodanige inligting vals is; en
12.2 word aanspreeklik gehou vir die betaling van alle dienste wat ontvang is benewens enige ander regstappe wat die munisipaliteit teen so 'n klant kan doen.

13. 'n Hulpbehoewende klant moet onmiddellik deregistrasie deur die munisipaliteit versoek as sy of haar omstandighede in so 'n mate verander het dat hy of sy nie meer voldoen aan die kwalifikasies wat in die verordeninge uiteengesit word nie.

14. 'n Hulpbehoewende klant word outomaties gederegistreer as daar nie jaarlikse aansoek gedoen word nie of as sodanige aansoek nie goedgekeur word nie.

15. 'n Hulpbehoewende klant word outomaties gederegistreer as 'n oudit of verifikasie tot die gevolgtrekking kom dat die finansiële omstandighede van die hulpbehoewende klant in so 'n mate verander het dat hy of sy nie meer voldoen aan die kwalifikasies wat in die verordeninge uiteengesit word nie.

16. 'n Hulpbehoewende klant kan te eniger tyd deregistrasie versoek.

Aansoeker	Munisipaliteit
Datum	Datum

SERTIFISERING DEUR MUNISIPALITEIT
Die gevolge van bogenoemde verklaring wat deur die aansoeker gemaak is, is aan hom/haar verduidelik en hy/sy het te kenne gegee dat hy/sy die inhoud van hierdie AANSOEK verstaan het.
Aansoeker Munisipaliteit
Datum Datum
SLEGS VIR KANTOORGEBRUIK
Rekeningnommer
Datum van ontvangs van aansoek
Eerste verifikasie
Datum
Besoek ter plaatse (Ja/Nee)
Naam van verifieerder
Ampsbenaming van verifieerder
Dui inligting aan wat nie geverifieer is nie
Aanbeveling
AANSOEK GOEDGEKEUR / NIE GOEDGEKEUR NIE
Tweede verifikasie
Datum
Besoek ter plaatse (Ja / Nee)
Naam van verifieerder
Ampbenaming van verifieerder

WATERDIENSTEVERORDENINGE

HOOFSTUK 1: WOORDOMSKRYWING

67. Woordomskrywing

Vir die doel van hierdie verordeninge het enige woord of uitdrukking waaraan daar in die Wet op Waterdienste, 1996 (Wet no. 108 van 1996), die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet no. 32 van 2000), of die Nasionale Bouregulasies uitgevaardig ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet no. 103 van 1977), 'n betekenis toegeken is, dieselfde betekenis in hierdie verordeninge, en tensy die samehang die teendeel aandui, moet 'n woord wat een geslag aandui, gelees word asof dit ook na die ander geslag verwys —

"aansluiting" beteken die punt waar 'n klant toegang tot waterdienste kry;

"aansluitpunt" beteken die punt waar die perseelrioolinstallasie by die aansluitriool aansluit;

"aansluitriool" beteken 'n pyp wat aan die munisipaliteit behoort en deur hom geïnstalleer is met die doel om rioolvuil van 'n perseelrioolinstallasie na 'n riool buite die grens van daardie perseel of binne 'n serwituutgebied of binne 'n gebied wat deur gebruiksreg of volgens ooreenkoms gedek word, te vervoer;

"akkommodasie-eenheid" met betrekking tot 'n perseel, beteken 'n gebou of deel van 'n gebou wat vir enige doel geokkupeer of gebruik word of vir okkupasie of gebruik bedoel is;

"besoedeling" beteken die inbring van 'n stof in die watervoorsieningstelsel, 'n waterinstallasie of 'n waterhulpbron wat die water skadelik vir gesondheid of die omgewing kan maak of die gehalte daarvan vir die gebruik waarvoor dit normaalweg bedoel is, aantas;

"beste praktiese omgewingsopsie" beteken die opsie wat die grootste voordeel inhou vir of die minste skade berokken aan die omgewing as 'n geheel, teen 'n koste wat vir die samelewing aanvaarbaar is, oor die lang termyn sowel as oor die kort termyn;

"boorgat" beteken 'n gat wat in die aarde gesink is met die doel om ondergrondse water op te spoor, te onttrek of te gebruik, en sluit 'n fontein in;

"Bouregulasies" beteken die Nasionale Bouregulasies uitgevaardig ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet no. 103 van 1977), soos gewysig;

"brandinstallasie" beteken 'n verplaasbare waterinstallasie wat water uitsluitlik vir die doel van brandbestryding vervoer;

"dienspyp" beteken 'n pyp wat deel uitmaak van 'n waterinstallasie wat op 'n perseel deur die eienaar of okkupeerder voorsien en geïnstalleer is en wat by 'n verbindingspyp aangesluit is of aangesluit gaan word om die waterinstallasie op die perseel te bedien;

"eienaar" beteken —

a) die persoon op wie se naam die eienaarskap van die perseel van tyd tot tyd geregistreer is, of sy agent;
b) waar die geregistreerde eienaar van die perseel insolvent of dood is of om enige ander rede nie handelingsbevoeg is nie of enige vorm van handelingsonbevoegdheid het wat die uitwerking het dat dit hom verhoed om 'n regshandeling namens homself te verrig, die persoon by wie die administrasie en beheer van sodanige perseel as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, likwidateur of ander regsverteenwoordiger berus;
c) waar die munisipaliteit nie die identiteit van die eienaar kan vasstel nie, 'n persoon wat 'n wettige reg in, of die voordeel van die gebruik van, 'n perseel, gebou of enige deel van 'n gebou het wat daarop geleë is;
d) waar 'n huurkontrak vir 'n tydperk van 30 (dertig) jaar of langer of vir die natuurlike lewe van die huurder of enige ander persoon wat in die huurkontrak genoem word, aangegaan is, of wat van tyd tot tyd na die keuse van die huurder onbepaald of vir 'n tydperk of tydperke wat, saam met die eerste tydperk van die huurkontrak, op 30 jaar te staan kom, hernu kan word,

die huurder of enige ander persoon aan wie hy sy reg, titel en belang kragtens die huurkontrak sedeer het, of enige opvolger sonder teenwaarde van die huurder;

e) met betrekking tot —

i) 'n stuk grond wat op 'n deeltitelplan ingevolge die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), geskets is, die ontwikkelaar of die regspersoon ten opsigte van die gemeenskaplike eiendom, of

ii) 'n deel soos omskryf in die Wet op Deeltitels, 1986 (Wet no. 95 van 1986), die persoon op wie se naam sodanige deel kragtens 'n deeltitelakte

iii) geregistreer is en sluit in die wettig aangestelde agent van sodanige persoon; of

iv) 'n persoon wat grond okkupeer kragtens 'n register wat deur 'n stamowerheid gehou word of ooreenkomstig 'n beëdigde verklaring wat deur 'n stamowerheid gemaak is;

"eindwatertoebehoorsel" beteken 'n watertoebehoorsel by 'n uitlaat van waterinstallasie wat die uitvloei van water van 'n waterinstallasie beheer;

"gedeelde verbruik" beteken die verbruik deur 'n klant van 'n munisipale diens gedurende 'n spesifieke tydperk, wat bereken word deur die totale gemeterde verbruik van daardie munisipale diens in die voorsieningsone waar die klant se perseel geleë is vir dieselfde tydperk deur die aantal klante binne daardie voorsieningsone gedurende daardie tydperk te deel;

"gekombineerde installasie" beteken 'n waterinstallasie wat vir brandbestryding en huishoudelike, kommersiële of nywerheidsdoeleindes gebruik word;

"gelde" beteken die belasting, geld, tarief, uniforme koers of subsidie deur die munisipale raad vasgestel;

"gemagtigde agent" beteken —

a) 'n persoon wat deur die munisipaliteit gemagtig is om 'n handeling, funksie of plig ingevolge hierdie verordeninge te verrig of 'n bevoegdheid daarkragtens uit te oefen;

b) 'n persoon aan wie die munisipaliteit die verrigting van sekere regte, pligte of verpligtinge ten opsigte van die verskaffing van waterdienste gedelegeer het; of

c) 'n persoon wat in 'n skriftelike kontrak deur die munisipaliteit aangestel is as 'n diensverskaffer om namens hom waterdienste aan klante te verskaf, in die mate wat deur daardie kontrak gemagtig word;

"gemiddelde verbruik" beteken die gemiddelde verbruik deur 'n klant van 'n munisipale diens gedurende 'n gespesifiseerde tydperk, en dit word bereken deur die totale gemete verbruik van daardie munisipale diens deur daardie verbruiker oor die voorafgaande drie maande deur drie te deel;

"geraamde verbruik" beteken die verbruik wat 'n klant, wie se verbruik nie gedurende 'n spesifieke tydperk gemeet is nie, geag te verbruik het, wat geraam word deur faktore wat deur die munisipaliteit as tersaaklik beskou word, in ag te neem en wat die verbruik van waterdienste deur die totale aantal gebruikers van 'n diens binne die gebied waar die diens deur die munisipaliteit gelewer word teen die toepaslike diensvlak vir 'n spesifieke tyd kan insluit;

"goedgekeur" beteken skriftelik deur die munisipaliteit goedgekeur;

"handelsperseel" beteken 'n perseel waarop nywerheidsuitvloeisel ontstaan;

"hoësterkterioolvuil" beteken nywerheidsrioolvuil met 'n sterkte of gehalte groter as standaard huishoudelike uitvloeisel ten opsigte waarvan 'n spesifieke geld gevorder kan word, soos bereken ooreenkomstig Bylae C;

"hoofleiding" beteken 'n pyp behalwe 'n verbindingspyp, waarvan die eienaarskap by die munisipaliteit berus en wat deur hom gebruik word vir die doel om water na 'n verbruiker te vervoer;

"huishoudelike doeleindes" met betrekking tot die verskaffing van water, beteken water wat vir drink-, was- en kookdoeleindes verskaf word wat hoofsaaklik vir residensiële doeleindes gebruik word;

"huishoudelike verbruiker" beteken 'n klant wat water vir huishoudelike doeleindes gebruik;

"huishouding" beteken 'n familie-eenheid wat deur die munisipaliteit as tradisioneel bepaal word met inagneming van die aantal mense in die eenheid, die verhouding tussen die lede van 'n huishouding, hulle ouderdomme en enige ander faktor wat die munisipaliteit as tersaaklik beskou;

"Tegniese Bestuurder" beteken die Tegniese Bestuurder van die munisipaliteit, of enige ander persoon wat gemagtig is om namens hom op te tree;

"installeringswerk" beteken enige werk wat ten opsigte van 'n waterinstallasie gedoen word, insluitende konstruksie, rehabilitasie, verbetering en instandhouding;

"klant" beteken 'n persoon met wie die munisipaliteit 'n ooreenkoms vir die verskaffing van 'n munisipale diens ingevolge die verordeninge betreffende kredietbeheer en skuldinvordering aangegaan het of geag aangegaan het;

"kommersiële klant" beteken 'n klant behalwe 'n huishoudelike klant en 'n hulpbehoewende klant, insluitende, maar nie beperk nie tot, besigheids-, nywerheids-, regerings- en institusionele klante;

"loodgieter" beteken 'n persoon wat in die loodgietersambag kragtens die Wet op Mannekragopleiding, 1981 (Wet no. 56 van 1981), in 'n kwalifiserende ambagstoets geslaag het of aan wie 'n sertifikaat van bedrewenheid of sodanige ander kwalifikasie wat kragtens nasionale wetgewing vereis word, uitgereik is;

"mangat" beteken 'n toegangskamer na die binnekant van die riool wat vir die doel van instandhouding en inwendige skoonmaak voorsien is;

"meettoestel" beteken enige metode, prosedure, proses, toestel, apparaat of installasie waarmee die hoeveelheid waterdienste wat verskaf word, gekwantifiseer kan word, en sluit enige metode, prosedure of proses in waarvolgens die hoeveelheid geraam of veronderstel word;

"meter" beteken 'n watermeter soos omskryf deur die regulasies wat ingevolge die Wet op Handelsmetrologie, 1973 (Wet no. 77 van 1973), gepubliseer is of, in die geval van 'n watermeter van 'n groter grootte as 100 mm, 'n toestel wat die hoeveelheid water meet wat daardeur vloei, insluitende 'n voorafbetaalwatermeter;

"munisipale bestuurder" beteken die persoon wat ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture (Wet no. 117 van 1998), deur die munisipale raad as die munisipale bestuurder van die munisipaliteit aangestel is, en sluit 'n persoon in aan wie die munisipale bestuurder 'n bevoegdheid, funksie of plig gedelegeer het, maar slegs ten opsigte van daardie bevoegdheid, funksie of plig;

"munisipale dienste" beteken, vir die doeleindes van hierdie verordeninge, dienste wat deur 'n munisipaliteit verskaf word, insluitende afvalverwydering, watervoorsiening, sanitasie, elektrisiteitsdienste en eiendomsbelasting of enigeen van die bostaande;

"munisipale raad" beteken die munisipale raad waarna in artikel 157(1) van die Grondwet van die Republiek van Suid-Afrika, 1996, verwys word;

"munisipaliteit" beteken —

a) die Thembelihle munisipaliteit, 'n plaaslike munisipaliteit, ingestel ingevolge artikel 12 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet no. 117 van 1998), en sy regsopvolgers; of
b) behoudens die bepalings van enige ander wet en slegs indien uitdruklik of stilswyend vereis of toegelaat deur hierdie verordeninge, die munisipale bestuurder ten opsigte van die verrigting van 'n funksie of die uitoefening van 'n plig, verpligting of reg ingevolge hierdie verordeninge of enige ander wet; of
c) 'n gemagtigde agent van die Thembelihle munisipaliteit;

"noodsituasie" beteken 'n situasie wat 'n risiko of potensiële risiko vir lewe, gesondheid, die omgewing of eiendom inhou;

"nywerheidsdoeleindes" met betrekking tot die verskaffing van water beteken water wat verskaf word aan 'n perseel wat 'n fabriek uitmaak soos in die Algemene Administratiewe Regulasies, gepubliseer ingevolge die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet no. 85 van 1993), omskryf word;

"nywerheidsuitvloeisel" beteken uitvloeisel wat uit die gebruik van water vir nywerheidsdoeleindes voortgebring word en sluit, vir die doel van hierdie verordeninge, enige uitvloeisel in, uitgesonderd standaard huishoudelike uitvloeisel of stormwater;

"okkupeerder" sluit in 'n persoon wat grond, 'n gebou, struktuur of perseel (of enige deel daarvan) okkupeer, en sluit in 'n persoon wat vir iemand anders se vergoeding of beloning 'n loseerder of huurder of enige ander soortgelyke persoon toelaat om grond, 'n gebou, struktuur of perseel (of enige deel daarvan) te gebruik of te okkupeer;

"omgewingskoste" beteken die koste van alle maatreëls wat nodig is om die omgewing te herstel in die toestand waarin dit was voor 'n voorval wat skade tot gevolg het;

"ongemagtigde diens" beteken die opvang, gebruik of verbruik van 'n munisipale diens wat nie ingevolge 'n ooreenkoms is met of deur die munisipaliteit goedgekeur is nie;

"onwettige aansluiting" beteken 'n aansluiting aan 'n stelsel waardeur 'n munisipale diens verskaf word en wat nie deur die munisipaliteit gemagtig of goedgekeur is nie;

"ooreenkoms" beteken die kontraktuele verhouding tussen die munisipaliteit en 'n klant, hetsy geskrewe of geag soos voorsiening voor gemaak in die munisipaliteit se verordeninge met betrekking tot kredietbeheer en skuldinvordering;

"openbare kennisgewing" beteken publikasie in die media, insluitende een of meer van die volgende:

a) publikasie van 'n kennisgewing, in die amptelike tale wat deur die munisipale raad bepaal is —

1. in 'n plaaslike koerant of koerante wat in die voorsieningsgebied van die munisipaliteit versprei word;

2. in die koerant of koerante wat in die voorsieningsgebied van die munisipaliteit versprei word en deur die munisipale raad as 'n koerant van rekord bepaal is; of

3. op die amptelike webwerf van die munisipaliteit;

4. deur middel van radio-uitsendings wat die voorsieningsgebied van die munisipaliteit dek;

b) wat 'n kennisgewing vertoon in of op 'n perseel, kantoor, biblioteek of betaalpunt van óf die munisipaliteit óf sy gemagtigde agent waartoe die publiek redelike toegang het; en
c) kommunikasie met klante deur middel van openbare vergaderings en wykskomiteevergaderings;

"perseel" beteken 'n stuk grond waarvan die buitevlakgrense geskets is op —
a) 'n algemene plan of diagram wat ingevolge die Opmetingswet, 1927 (Wet no. 9 van 1927), of ingevolge die Registrasie van Aktes Wet, 1937 (Wet no. 47 van 1937), geregistreer is;
b) 'n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet no. 95 van 1986), geregistreer is; of
c) 'n register gehou deur 'n stamowerheid of ooreenkomstig 'n beëdigde verklaring wat deur 'n stamowerheid gemaak is;

"perseelriool" beteken dié deel van die perseelrioolinstallasie wat rioolvuil binne 'n perseel vervoer;

"perseelrioolinstallasie" beteken 'n stelsel wat op 'n perseel geleë is en by die eienaar daarvan berus en wat gebruik word of bedoel is om gebruik te word vir of in verband met die opvang, opgaar, behandeling of vervoer van rioolvuil op daardie perseel na die aansluitpunt en sluit in perseelriole, toebehore, toestelle, septiese tenks, riooltenks, putlatrines en private pompinstallasies wat deel uitmaak van of aanvullend is tot sulke stelsels;

"perseelrioolwerk" sluit in enige perseelriool, sanitêre toebehoorsel, watervoorsieningsbybehore, vuilwater- of ander pyp of enige werk wat met die afvoer van vloeibare of vaste stof in 'n perseelriool of riool of andersins met die dreinering van 'n perseel verband hou;

"persoon" beteken 'n persoon hetsy 'n natuurlike of 'n regspersoon, en sluit in, maar is nie beperk nie tot, 'n plaaslike regeringsliggaam of soortgelyke owerheid, 'n maatskappy of beslote korporasie wat kragtens 'n wet geïnkorporeer is, 'n liggaam van persone hetsy geïnkorporeer of nie, 'n statutêre liggaam, openbare nutsliggaam, vrywillige organisasie of trust;

"professionele Tegniese Bestuurder" beteken 'n persoon wat ingevolge die Wet op die Tegniese Bestuurdersweseprofessie, 2000 (Wet no. 46 van 2000), as 'n professionele Tegniese Bestuurder geregistreer is;

"rekening" beteken 'n rekening of rekenings gelewer vir munisipale dienste wat verskaf is;

"rente" beteken rente soos deur die Minister van Justisie ingevolge artikel 1 van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet no. 55 van 1975), voorgeskryf kan word;

"riool" beteken 'n pyp of leipyp wat die eiendom is van of berus by die munisipaliteit en wat gebruik kan word vir die vervoer van rioolvuil vanaf die aansluitriool, en sluit nie 'n perseelriool in soos omskryf nie;

"rioolvuil" beteken vuilwater, nywerheidsuitvloeisel, standaard huishoudelike uitvloeisel en ander vloeibare afval, hetsy afsonderlik of in kombinasie, maar sluit nie stormwater in nie;

"riooltenk" beteken 'n bedekte tenk wat gebruik word om rioolvuil op te vang en tydelik te hou en wat met tussenpose leeggemaak moet word;

"sanitasiedienste" het dieselfde betekenis as wat ingevolge die Wet daaraan toegewys is en sluit vir die doeleindes van hierdie verordeninge die wegdoening van nywerheidsuitvloeisel in;

"sanitasiedienste ter plaatse" beteken sanitasiedienste behalwe spoelrioolwegdoening deur 'n rioolwegdoeningstelsel;

"sanitasiestelsel" beteken die strukture, pype, kleppe, pompe, meters of ander bybehore wat gebruik word vir die vervoer deur die rioolnetstelsel en behandeling by die rioolvuilbehandelingsaanleg onder die beheer van die munisipaliteit en wat deur hom gebruik kan word in verband met die wegdoening van rioolvuil;

"SANS" beteken die Suid-Afrikaanse Nasionale Standaard;

"septiese tenk" beteken 'n waterdigte tenk wat ontwerp is om rioolvuil op te vang en die toereikende ontbinding van organiese stof in rioolvuil deur bakteriese werking te bewerkstellig;

"skoonmaakoog" beteken 'n toegangsopening na die binnekant van 'n afvoerpyp of sperder wat vir die doel van inwendige skoonmaak voorsien word;

"sperder" beteken 'n stuk pyptoebehore of deel van 'n sanitêre toestel wat ontwerp is om 'n waterslot wat as 'n versperring teen die vloei van bedorwe lug of gas dien, in posisie te hou;

"staanpyp" beteken 'n aansluiting waardeur watervoorsieningsdienste aan meer as een persoon verskaf word;

"standaard huishoudelike uitvloeisel" beteken huishoudelike uitvloeisel binne voorgeskrewe sterktekenmerke soos deur die munisipaliteit vasgestel ten opsigte van chemiese suurstofbehoefte en besinkbare vaste stowwe as sou dit gepas wees vir rioolvuiluitvloeisel uit huishoudelike persele binne die jurisdiksie van die munisipaliteit, maar sluit nie nywerheidsuitvloeisel in nie;

"stapelriool" beteken 'n vuilweekput vir die wegdoening van rioolvuil en uitvloeisel uit 'n septiese tenk;

"stormwater" beteken water wat die gevolg van natuurlike neerslag of versameling is en sluit reënwater, ondergrondwater of fonteinwater in;

"uitvloeisel" beteken enige vloeistof hetsy dit opgeloste stowwe of stowwe in suspensie bevat of nie;

"vasgestel" beteken vasgestel deur die munisipaliteit of deur enige persoon wat 'n vasstelling ingevolge hierdie verordeninge maak;

"voorsieningsgebied" beteken 'n gebied binne of gedeeltelik binne die regsgebied van die munisipaliteit waaraan 'n waterdiens verskaf word;

"waterdienste" beteken watervoorsieningsdienste en sanitasiedienste;

"waterdienstetussengangers" het dieselfde betekenis as wat ingevolge die Wet daaraan toegewys is;

"waterinstallasie" beteken die pype en watertoebehore wat geleë is op 'n perseel en waarvan die eienaarskap by die eienaar daarvan berus en gebruik word of bedoel is om gebruik te word in verband met die gebruik van water op so 'n perseel, en sluit enige pyp en watertoebehoorsel in wat buite die grens van die perseel geleë is wat óf by die verbindingspyp met betrekking tot sodanige perseel aansluit óf andersins met die toestemming van die munisipaliteit gelê is;

"watertoebehoorsel" beteken 'n komponent, behalwe 'n pyp, van 'n waterinstallasie waardeur water vloei of waarin dit opgegaar word;

"watervoorsieningsdienste" het dieselfde betekenis as wat ingevolge die Wet daaraan toegewys is en sluit vir die doeleindes van hierdie verordeninge water vir nywerheidsdoeleindes en brandbestrydingsdoeleindes in;

"watervoorsieningstelsel" beteken die strukture, brugkanale, pype, kleppe, pompe, meters of ander bybehore wat daarmee in verband staan, waarvan die eienaarskap by die munisipaliteit berus en wat deur hom gebruik word of bedoel is om gebruik te word in verband met die verskaffing van water, en sluit enige deel van die stelsel in;

"werkdag" beteken 'n ander dag as 'n Saterdag, Sondag of openbare vakansiedag;

"Wet" beteken die Wet op Waterdienste, 1997 (Wet no. 108 van 1997), soos van tyd tot tyd gewysig; en

"wooneenheid" beteken 'n tussenverbinde stel kamers, insluitende 'n kombuis of opwaskamer, ontwerp vir okkupasie deur 'n enkelgesin, ongeag of die wooneenheid 'n enkelgebou is of deel uitmaak van 'n gebou wat twee of meer wooneenhede bevat.

HOOFSTUK 2: AANSOEK, BETALING EN BEËINDIGING

Deel 1: Aansoek

68. Aansoek om waterdienste

1. Geen persoon mag toegang tot waterdienste kry nie, tensy aansoek gedoen is by, en dit goedgekeur is deur, die munisipaliteit op die vorm wat ingevolge die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering voorgeskryf word.
2. Waterdienste wat deur die munisipaliteit aan 'n klant gelewer word, is onderworpe aan die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering, hierdie verordeninge en die voorwaardes wat in die betrokke ooreenkoms vervat is.

69. Spesiale ooreenkomste vir waterdienste

Die munisipaliteit kan 'n spesiale ooreenkoms vir die verskaffing van waterdienste met 'n aansoeker ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering aangaan.

70. Verandering in doel waarvoor waterdienste gebruik word

Waar die doel of omvang van 'n munisipale diens verander, moet die klant die munisipaliteit onverwyld in kennis stel van die verandering en 'n nuwe ooreenkoms met die munisipaliteit aangaan.

Deel 2: Gelde

71. Voorgeskrewe gelde vir waterdienste

1. Alle toepaslike gelde wat ten opsigte van waterdienste betaalbaar is, insluitende, maar nie beperk nie tot, die betaling van aansluitgelde, vaste gelde of enige bykomende gelde of rente, moet deur die munisipale raad vasgestel word ooreenkomstig —

a) sy Belasting- en Tariefbeleid;

b) enige verordeninge ten opsigte daarvan; en

c) enige regulasies ingevolge nasionale of provinsiale wetgewing; maar

2. Verskille tussen kategorieë klante, gebruikers van dienste, soorte en vlakke dienste, hoeveelheid dienste, infrastrukturele vereistes en geografiese gebiede kan die oplê van gedifferensieerde gelde regverdig.

72. Beskikbaarheidsgelde vir waterdienste

Die munisipale raad kan, benewens die gelde wat vasgestel is vir waterdienste wat werklik verskaf word, 'n maandelikse vaste geld, 'n jaarlikse vaste geld of slegs een vaste geld hef waar waterdienste beskikbaar is, ongeag of sodanige dienste verbruik word of nie.

Deel 3: Betaling

73. Betaling vir waterdienste

Die eienaar, okkupeerder en klant is gesamentlik en afsonderlik aanspreeklik en verantwoordelik vir die betaling van alle waterdiensgelde en waterdienste wat deur 'n klant verbruik word, ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering.

Deel 4: Beëindiging, inkorting en staking

74. Beëindiging van ooreenkoms vir die verskaffing van waterdienste

'n Klant kan 'n ooreenkoms vir die verskaffing van waterdienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering beëindig.

75. Inkorting en/of staking van waterdienste wat verskaf is

1. Die Tegniese Bestuurder kan, na kennisgewing deur die munisipaliteit, watervoorsieningsdienste wat ingevolge hierdie verordeninge verskaf word, inkort of staak —

a) by versuim om die vasgestelde gelde op die gespesifiseerde datum te betaal, ooreenkomstig en nadat die prosedure wat in die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering uiteengesit word, toegepas is;

b) op skriftelike versoek van 'n klant;

c) indien die ooreenkoms vir die verskaffing van dienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering beëindig is;

d) indien die gebou op die perseel waaraan dienste verskaf word, gesloop is;

e) indien die klant met 'n ingekorte of gestaakte diens gepeuter het;

f) in 'n noodgeval of noodsituasie wat ingevolge die munisipaliteit se verordeninge betreffende kredietbeheer en skuldverordeninge verklaar is; of

g) indien die klant met die watervoorsieningstelsel van die munisipaliteit ingemeng of gepeuter het of dit beskadig het of inmenging, peutering of skade veroorsaak of toegelaat het met die doel om toegang tot watervoorsieningsdienste te verkry.

2. Die Tegniese Bestuurder kan sanitasiedienste wat ingevolge hierdie verordeninge verskaf word, staak —

a) op skriftelike versoek van 'n klant;

b) indien die ooreenkoms vir die verskaffing van sanitasiedienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering beëindig is; of

c) indien die gebou op die perseel waaraan dienste verskaf word, gesloop is.

3. Die munisipaliteit is nie aanspreeklik vir enige skade of eise wat kan ontstaan uit die inkorting of staking van waterdienste waarvoor daar voorsiening in subartikels (1) en (2) gemaak word nie, insluitende skade of eise wat kan ontstaan weens die inkorting of staking van dienste deur die munisipaliteit in die bona fide-geloof dat die bepalings van subartikels (1) en (2) van toepassing was nie.

HOOFSTUK 3: DIENSVLAKKE

76. Diensvlakke

1. Die munisipale raad kan van tyd tot tyd en ooreenkomstig nasionale beleid, maar onderworpe aan die beginsels van volhoubaarheid en bekostigbaarheid, die diensvlakke wat hy aan klante kan verskaf by openbare kennisgewing vasstel.
2. Die munisipale raad kan by die vasstelling van diensvlakke differensieer tussen soorte klante, huishoudelike klante, geografiese gebiede en sosio-ekonomiese gebiede.
3. Die volgende diensvlakke kan, behoudens subartikel (1), deur die munisipaliteit by die afkondiging van hierdie verordeninge verskaf word:

a) Gemeenskapswatervoorsieningsdienste en terreinsanitasiedienste —

i) wat die minimum diensvlak uitmaak wat deur die munisipaliteit verskaf word;

ii) wat bestaan uit benette staanpype of 'n vaste watertenk wat bedien word deur óf 'n netwerkpyp óf 'n watertenk wat binne redelike loopafstand geleë is van enige huishouding met 'n Geventileerde Verbeterde Put-latrine wat op elke perseel geleë is, en perseel beteken die laagste orde sigbare afgebakende gebied waarop 'n informele woning van een of ander aard opgerig is;

iii) wat gratis geïnstalleer is;

iv) wat heeltemal kosteloos aan verbruikers gelewer word; en

v) waarvan slegs staanpype deur die munisipaliteit in stand gehou word.

b) 'n Werfaansluiting wat nie met 'n waterinstallasie verbind is nie en 'n individuele aansluiting by die munisipaliteit se sanitasiestelsel —

i) wat bestaan uit 'n ongemeterde staanpyp op 'n perseel wat nie met 'n wateraansluiting verbind is nie en 'n ingooi-spoeltoiletpan, wastrog en geskikte toiletbostruktuur wat met die munisipaliteit se sanitasiestelsel verbind is;

ii) wat gratis geïnstalleer is;

iii) wat deur die munisipaliteit in stand gehou word.

c) 'n Gemeterde drukwateraansluiting met 'n individuele verbinding met die munisipaliteit se sanitasiestelsel —

i) wat teen betaling van die toepaslike aansluitgelde geïnstalleer is;

ii) wat teen betaling van voorgeskrewe gelde verskaf word; en

iii) met water- en perseelrioolinstallasies wat deur die klant in stand gehou word.

HOOFSTUK 4: VOORWAARDES VIR WATERVOORSIENINGSDIENSTE

Deel 1: Aansluiting by watervoorsieningsdiens

77. Voorsiening van verbindingspyp

1. Indien 'n ooreenkoms vir watervoorsieningsdienste ten opsigte van 'n perseel aangegaan is en daar geen verbindingspyp ten opsigte van die perseel bestaan nie, moet die eienaar op die voorgeskrewe vorm aansoek doen en die vasgestelde geld vir die installering van so 'n pyp betaal.
2. Indien aansoek gedoen word vir watervoorsieningsdienste wat van so 'n omvang is of so geleë is dat dit nodig is om die watervoorsieningstelsel uit te brei, te verander of op te gradeer ten einde water aan die perseel te verskaf, kan die munisipaliteit tot die uitbreiding instem op voorwaarde dat die eienaar vir die koste van die uitbreiding, soos deur die Tegniese Bestuurder vasgestel, moet betaal.
3. Slegs die Tegniese Bestuurder mag 'n verbindingspyp installeer maar die eienaar of klant kan die waterinstallasie by die verbindingspyp aansluit.
4. Geen persoon mag 'n ontwikkeling op 'n perseel begin nie tensy die Tegniese Bestuurder 'n verbindingspyp en meter geïnstalleer het.

78. Ligging van verbindingspyp

1. 'n Verbindingspyp wat deur die Tegniese Bestuurder voorsien en geïnstalleer is, moet —

a) geleë wees in 'n posisie wat deur die Tegniese Bestuurder vasgestel is en van 'n geskikte grootte wees, soos deur die Tegniese Bestuurder vasgestel;

b) eindig by —

i) die grens van die grond wat aan die munisipaliteit behoort of by hom berus, of waarop hy 'n serwituut of ander reg het; of

ii) by die uitlaat van die watermeter of isoleerklep as dit op die perseel geleë is.

2. Die Tegniese Bestuurder kan, onderworpe aan sodanige voorwaardes as wat die Tegniese Bestuurder kan stel, op versoek van enige persoon instem tot 'n ander aansluiting as die hoofleiding wat die geredelikste vir die verskaffing van water aan die perseel beskikbaar is; met dien verstande dat die aansoeker verantwoordelik is vir enige uitbreiding van die waterinstallasie tot by die aansluitpunt wat deur die munisipaliteit aangewys word en vir die verkryging, op sy koste, van enige serwituut op ander persele wat nodig mag wees.
3. 'n Eienaar moet die vasgestelde aansluitgelde vooruit betaal voordat 'n wateraansluiting bewerkstellig kan word.

79. Voorsiening van 'n enkele wateraansluiting vir verskafing aan verskeie klante op dieselfde perseel

1. Nieteenstaande die bepalings van artikel 12, mag slegs een verbindingspyp na die watervoorsieningstelsel vir die verskaffing van water aan 'n perseel voorsien word, ondanks die aantal akkommodasie-eenhede, besigheidseenhede of klante wat op so 'n perseel geleë is.
2. Waar die eienaar of die persoon wat 'n perseel beheer of bestuur waarop verskeie akkommodasie-eenhede geleë is, die verskaffing van water aan sodanige perseel vereis vir die doel van verskaffing aan die verskillende akkommodasie-eenhede, kan die Tegniese Bestuurder, na sy goeddunke, óf —

a) 'n enkele meettoestel ten opsigte van die perseel as 'n geheel of enige aantal sodanige akkommodasie-eenhede verskaf en installeer; óf

b) 'n afsonderlike meettoestel vir elke akkommodasie-eenheid of enige aantal daarvan verskaf en installeer.

3. Waar die Tegniese Bestuurder 'n enkele meettoestel geïnstalleer het soos in subartikel (2) (a) beoog word, moet die eienaar of die persoon wat in beheer of bestuur van die perseel is, na gelang van die geval —

a) op elke takpyp wat van die verbindingspyp tot by die verskillende akkommodasie-eenhede strek —

i) 'n afsonderlike meettoestel; en

ii) 'n isoleerklep installeer en in stand hou; en

iii) is hy teenoor die munisipaliteit aanspreeklik vir die gelde van alle water wat deur so 'n enkele meettoestel aan die perseel verskaf word, ongeag of die verskillende hoeveelhede deur die verskillende klante wat deur so 'n meettoestel bedien word, verbruik word.

4. Waar water deur 'n aantal verbindingspype aan 'n perseel verskaf word, kan die Tegniese Bestuurder van die eienaar vereis om die aantal aansluitpunte te verminder en sy waterinstallasie dienooreenkomstig te wysig.

80. Ontkoppeling van waterinstallasie van verbindingspyp

Die Tegniese Bestuurder kan 'n waterinstallasie van die verbindingspyp ontkoppel en die verbindingspyp verwyder by beëindiging van 'n ooreenkoms vir die verskaffing van die watervoorsieningsdienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering.

Deel 2: Standaarde

81. Hoeveelheid, gehalte en druk

Watervoorsieningsdienste wat deur die munisipaliteit verskaf word, moet voldoen aan die minimum standaarde wat vir die verskaffing van watervoorsieningsdienste ingevolge artikel 9 van die Wet gestel is.

82. Toets van druk in watervoorsieningstelsels

Die Tegniese Bestuurder kan, op aansoek van 'n eienaar en by betaling van die vasgestelde geld, die hoeveelheid druk in die watervoorsieningstelsel met betrekking tot sy perseel oor sodanige tydperk as wat die eienaar versoek, vasstel en aan die eienaar meedeel.

83. Besoedeling van water

'n Eienaar moet goedgekeurde maatreëls tref en handhaaf om te voorkom dat enige stof wat 'n gevaar vir gesondheid kan inhou of die drinkbaarheid van water nadelig kan beïnvloed of die geskiktheid daarvan vir gebruik kan beïnvloed —

a) die watertoevoerstelsel; en

b) enige deel van die waterinstallasie op sy perseel binnegaan.

84. Waterbeperkings

1. Die munisipaliteit kan vir die doeleindes van waterbewaring of waar, na sy mening, droogtetoestande binnekort kan voorkom, by openbare kennisgewing —

a) die verbruik van water in sy hele regsgebied of 'n deel daarvan verbied of beperk —

i) in die algemeen of vir gespesifiseerde doeleindes;

ii) gedurende gespesifiseerde ure van die dag of op gespesifiseerde dae; en

iii) op 'n gespesifiseerde wyse; en

b) (i) 'n beperking op die hoeveelheid water wat oor 'n gespesifiseerde tydperk verbruik mag word;

ii) gelde bykomend tot dié wat ten opsigte van die verskaffing van water wat 'n beperking oorskry wat subartikel (1)(b)(i) beoog word; en

iii) 'n algemene toeslag op die vasgestelde gelde ten opsigte van die verskaffing van water vasstel en instel; en

c) beperkings of 'n verbod op die gebruik van water of die wyse van gebruik of ligging van 'n toestel waarmee water gebruik of verbruik word, of op die aansluiting van sodanige toestelle by die waterinstallasie instel.

2. Die munisipaliteit kan die toepassing van die bepalings van 'n kennisgewing wat in subartikel (1) beoog word, tot gespesifiseerde gebiede en kategorieë klante of gebruikers van persele en aktiwiteite beperk, en kan afwykings en vrystellings en die verslapping van enigeen van sy bepalings toelaat waar daar rede is om dit te doen.

3. Die munisipaliteit —

a) kan sulke maatreëls, insluitende die installeer van meettoestelle en toestelle vir die beperking van die vloei van water tref, of by skriftelike kennisgewing 'n klant gelas om op sy eie onkoste sodanige maatreëls te tref as wat na sy mening nodig is om voldoening aan 'n kennisgewing wat ingevolge subartikel (1) gepubliseer is, te verseker; of

b) kan, onderworpe aan kennisgewing en vir sodanige tydperk as wat hy goed ag, die verskaffing van water aan 'n perseel beperk in die geval van 'n oortreding van hierdie verordeninge wat op of in sodanige perseel plaasvind of 'n versuim om aan die bepalings van 'n kennisgewing wat ingevolge subartikel (1) gepubliseer is, te voldoen; en

c) moet, waar die toevoer gestaak is, dit slegs herstel wanneer die vasgestelde geld vir staking en heraansluiting betaal is.

85. Spesifieke voorwaardes van verskaffing

1. Nieteenstaande die onderneming in artikel 15, maak die toestaan van waterverskaffing deur die munisipaliteit nie 'n onderneming deur hom uit om te eniger tyd of by enige punt in sy watervoorsieningstelsel—

a) 'n ononderbroke toevoer te handhaaf nie, behoudens die bepalings van regulasies 4 en 14 van Regulasie 22355 wat op 8 Junie 2003 ingevolge die Wet afgekondig is; of

b) 'n spesifieke druk of vloeitempo in sodanige toevoer te handhaaf nie, behalwe dié wat vereis word ingevolge regulasie 15(2) van Regulasie 22355 wat op 8 Junie 2003 ingevolge die Wet afgekondig is.

2. Die Tegniese Bestuurder kan, behoudens die bepalings van subartikel (1)(b), die maksimum druk waarteen water uit die watervoorsieningstelsel voorsien sal word, spesifiseer.

3. Indien 'n eienaar of klant vereis —

a) dat enigeen van die standaarde wat in subartikel (1) bedoel word ; of

b) 'n hoër diensstandaard as wat in artikel 15 gespesifiseer word;

c) op sy perseel gehandhaaf word, moet hy die nodige stappe doen om te verseker dat die beoogde waterinstallasie aan sodanige standaarde kan voldoen.

4. Die Tegniese Bestuurder kan, in 'n noodgeval, die verskaffing van water aan enige perseel sonder vooraf kennisgewing onderbreek.

5. Indien, na die mening van die Tegniese Bestuurder, die verbruik van water deur 'n klant die verskaffing van water aan 'n ander klant nadelig beïnvloed, kan hy sodanige beperkings as wat hy goed ag op die verskaffing van water aan die klant toepas om 'n redelike toevoer van water aan die ander klant te verseker, en hy moet daardie klant van die beperkings verwittig.
6. Die munisipaliteit is nie aanspreeklik vir enige skade aan eiendom wat veroorsaak word deur water wat vloei uit 'n waterinstallasie wat oop gelaat word wanneer die watertoevoer ná 'n onderbreking in toevoer herstel word nie.
7. Elke stoomketel, hospitaal, bedryf en enige perseel wat vir die doel van die werk wat op die perseel onderneem word 'n deurlopende toevoer water vereis, moet 'n opgaartenk hê wat moet voldoen aan die spesifikasies vir wateropgaartenks soos in SANS 0252 Deel 1 gestipuleer, met 'n inhoudsvermoë van nie minder nie as 24 uur se watervoorraad bereken as die hoeveelheid wat nodig is om die gemiddelde daaglikse verbruik te voorsien, waar water opgegaar kan word wanneer die deurlopende toevoer onderbreek word.
8. Geen klant mag water wat deur die munisipaliteit aan hom verskaf word, herverkoop nie, behalwe met die skriftelike toestemming van die munisipaliteit, wat die maksimum prys waarteen die water herverkoop mag word, kan stipuleer en sodanige ander voorwaardes wat die munisipaliteit goed ag, kan oplê.

Deel 3: Meting

86. Meting van hoeveelheid water wat verskaf word

1. Die Tegniese Bestuurder moet 'n meettoestel voorsien wat ontwerp is om óf 'n beheerde volume water óf 'n onbeheerde volume water aan 'n klant te voorsien.
2. Die munisipaliteit moet met gereelde tussenposes die hoeveelheid water wat verskaf word, deur 'n meettoestel meet wat ontwerp is om 'n onbeheerde volume water te verskaf.
3. 'n Meettoestel en sy gepaardgaande bybehore waardeur water deur die munisipaliteit aan 'n klant verskaf word, moet deur die Tegniese Bestuurder voorsien en geïnstalleer word, bly sy eiendom en kan deur die Tegniese Bestuurder verander en in stand gehou word wanneer hy meen dit is nodig om dit te doen.
4. Die Tegniese Bestuurder kan 'n meettoestel en die gepaardgaande bybehore op enige punt in die dienspyp installeer.
5. Indien die Tegniese Bestuurder ingevolge subartikel (4) 'n meettoestel op 'n dienspyp installeer, kan hy 'n seksie pyp en gepaardgaande bybehore tussen die eindpunt van sy verbindingspyp en die meter installeer, en daardie seksie maak deel van die waterinstallasie uit.
6. Indien die Tegniese Bestuurder ingevolge subartikel (4) 'n meettoestel saam met gepaardgaande bybehore op 'n dienspyp installeer, moet die eienaar —

a) 'n plek tot bevrediging van die Tegniese Bestuurder voorsien waar dit geïnstalleer kan word;

b) verseker dat onbeperkte toegang daartoe te alle tye beskikbaar is;

c) vir die beskerming daarvan verantwoordelik wees en aanspreeklikheid wees vir die koste wat spruit uit skade daaraan, uitgesonderd skade wat uit normale billike slytasie spruit;

d) verseker dat geen aansluiting aan die pyp waarin die meettoestel geïnstalleer is, tussen die meettoestel en die verbindingspyp wat die installasie bedien, gemaak word nie;

e) voorsiening maak vir die afloop van water wat uit die pyp waarin die meettoestel geïnstalleer is, gelaat mag word in die loop van werk wat deur die Tegniese Bestuurder aan die meettoestel gedoen word; en

f) nie enige waterinstallasie, enige toebehore, masjien of toestel wat skade veroorsaak of wat, na die mening van die Tegniese Bestuurder, waarskynlik skade aan 'n meter sal veroorsaak, gebruik of toelaat dat dit gebruik word nie.

7. Geen persoon buiten die Tegniese Bestuurder mag:

a) 'n meettoestel en die gepaardgaande bybehore van die pyp waarop dit geïnstalleer is, ontkoppel nie;

b) 'n seël wat die Tegniese Bestuurder op 'n meter geplaas het, breek nie; of

c) op enige ander wyse met 'n meettoestel en sy gepaardgaande bybehore inmeng nie.

8. Indien die Tegniese Bestuurder meen dat 'n meettoestel 'n meter is waarvan die grootte ongeskik is vanweë die hoeveelheid water wat aan die perseel verskaf word, kan hy 'n meter van 'n grootte wat hy nodig ag installeer en die vasgestelde geld vir die installering van die meter op die eienaar van die perseel verhaal.

9. Die munisipaliteit kan, op die eienaar se onkoste, vereis dat 'n meettoestel by elke wooneenheid in afsonderlike okkupasie op 'n perseel geïnstalleer word vir gebruik om die hoeveelheid water wat aan elke sodanige eenheid voorsien word, te bepaal; maar waar beheerdevolume-waterleweringstelsels gebruik word, kan 'n enkele meettoestel andersins vir meer as een eenheid gebruik word.

87. Hoeveelheid water wat aan klant verskaf word

1. Vir die doeleindes van die bepaling van die hoeveelheid water gemeet deur 'n meettoestel wat deur die Tegniese Bestuurder geïnstalleer is en oor 'n spesifieke tydperk aan 'n klant verskaf word, sal daar, vir die doeleindes van hierdie verordeninge, behalwe in strafregtelike verrigtinge, tensy die teendeel bewys word, veronderstel word dat —

a) die hoeveelheid, waar die meettoestel ontwerp is om 'n onbeheerde volume water te verskaf, die verskil is tussen metings wat aan die begin en aan die einde van daardie tydperk geneem is;

b) die hoeveelheid, waar die meettoestel ontwerp is om 'n beheerde volume water te verskaf, die volume is wat deur die meettoestel uitgemeet is;

c) die meettoestel gedurende daardie tydperk akkuraat was; en

d) die inskrywings in die rekords van die munisipaliteit korrek gemaak is; en

e) indien die water voorsien is aan, of geneem is deur, 'n klant sonder dat dit deur 'n meettoestel gevloei het, die raming deur die munisipaliteit van die hoeveelheid van daardie water veronderstel is wees korrek te wees, behalwe in strafregtelike verrigtinge, tensy die teendeel bewys word.

2. Waar water wat deur die munisipaliteit verskaf word op enige wyse deur die klant geneem word sonder dat die water deur 'n meettoestel vloei wat deur die munisipaliteit voorsien is, kan die munisipaliteit, vir die doel van die lewer van 'n rekening, die hoeveelheid water wat gedurende die tydperk wat die water aldus deur die klant geneem is, ingevolge subartikel (3) raam.

3. Vir die doeleindes van subartikel (2), moet 'n raming van die hoeveelheid water wat aan 'n klant verskaf word, soos die munisipaliteit mag besluit, gebaseer word op óf —

a) die gemiddelde maandelikse verbruik van water op die perseel wat aanteken is oor drie opeenvolgende meettydperke na die datum waarop 'n onreëlmatigheid wat in subartikel (2) bedoel word, ontdek en reggestel is, óf

b) die gemiddelde maandelikse verbruik van water op die perseel gedurende enige drie opeenvolgende meettydperke gedurende die twaalf maande onmiddellik voor die datum waarop 'n onreëlmatigheid wat in subartikel (2) bedoel word, ontdek is.

4. Niks wat in hierdie verordeninge vervat is, sal vertolk word as sou dit 'n verpligting op die munisipaliteit plaas om 'n meettoestel wat deur die Tegniese Bestuurder op 'n perseel geïnstalleer is, aan die einde van elke maand of enige ander vasgestelde tydperk te laat meet nie, en die munisipaliteit kan die klant 'n bedrag vra vir 'n gemiddelde verbruik gedurende die interval tussen opeenvolgende metings deur die meettoestel.
5. Tot die stadium wanneer 'n meettoestel geïnstalleer is ten opsigte van water wat aan 'n klant verskaf word, moet die geraamde of gedeelde verbruik van daardie klant gedurende 'n spesifieke tydperk gebaseer word op die gemiddelde verbruik van water wat aan die spesifieke voorsieningsone waarbinne die klant se perseel geleë is, verskaf is.
6. Waar, na die mening van die Tegniese Bestuurder, dit nie redelik moontlik of koste-effektief is om water te meet wat aan elke klant binne 'n vasgestelde voorsieningsone verskaf is nie, kan die munisipaliteit 'n tarief of geld baseer op die geraamde of gedeelde verbruik van water wat aan daardie voorsieningsone verskaf is, vasstel.
7. Die munisipaliteit moet binne sewe dae na ontvangs van 'n skriftelike kennisgewing van die klant en onderworpe aan die betaling van die vasgestelde geld, op 'n ander tyd of dag as wat dit normaalweg gemeet sou word, die hoeveelheid water meet wat aan die klant verskaf is.
8. Indien 'n oortreding van subartikel (7) plaasvind, moet die klant die koste van die hoeveelheid water wat na die mening van die munisipaliteit aan hom verskaf is, aan die munisipaliteit betaal.

88. Spesiale meting

1. Indien die Tegniese Bestuurder, vir ander doeleindes as om 'n bedrag te vra vir water wat verbruik is, die hoeveelheid water wat in 'n deel van 'n waterinstallasie gebruik is, moet bepaal, kan hy, by skriftelike kennisgewing, die eienaar in kennis stel van sy voorneme om 'n meettoestel op enige punt in die waterinstallasie wat hy mag spesifiseer, te installeer.
2. Die installering van 'n meettoestel wat in subartikel (1) bedoel word, die verwydering daarvan, en die herstel van die waterinstallasie na so 'n verwydering, moet op die onkoste van die munisipaliteit gedoen word.
3. Die bepalings van artikels 20(5) en 20(6) is, in soverre dit van toepassing kan wees, van toepassing ten opsigte van 'n meettoestel wat ingevolge subartikel (1) geïnstalleer is.

89. Geen vermindering van bedrag betaalbaar vir verkwiste water

'n Klant is nie geregtig op 'n vermindering van die bedrag wat betaalbaar is vir water wat verkwis is of in 'n waterinstallasie verlore gegaan het nie.

Deel 4: Oudit

90. Wateroudit

1. Die munisipaliteit kan binne een maand na die einde van 'n finansiële jaar van die munisipaliteit van 'n klant vereis om op sy eie koste 'n wateroudit te doen.
2. Die oudit moet ten minste die volgende behels en daaroor verslag doen —

a) die hoeveelheid water wat gedurende die finansiële jaar gebruik is;
b) die bedrag wat vir die finansiële jaar vir water betaal is;
c) die aantal mense wat op die standplaas of perseel woon;
d) die aantal mense op die standplaas of perseel wat permanent werk;
e) die seisoenale wisseling in vraag deur maandelikse verbruiksyfers;

f) die waterbesoedelingsmoniteringsmetodes;

g) die huidige inisiatiewe vir die bestuur van die aanvraag na water;

h) die planne om sy aanvraag na water te bestuur;

i) 'n vergelyking van die verslag met enige verslag wat gedurende die vorige drie jaar gedoen is;

j) ramings van verbruik deur verskillende komponente van gebruik; en

k) 'n vergelyking van bogenoemde faktore met dié waarvoor daar in elk van die vorige drie jare verslag gedoen is, indien beskikbaar.

Deel 5: Installeerwerk

91. Goedkeuring van installeerwerk

1. Indien 'n eienaar installeerwerk gedoen wil hê, moet hy eers die munisipaliteit se skriftelike goedkeuring verkry; met dien verstande dat goedkeuring nie vereis word nie in die geval van waterinstallasies in wooneenhede of installasies waar geen brandinstallasie ingevolge SANS 0400 of ingevolge enige munisipale verordeninge vereis word nie, of vir die herstel of vervanging van 'n bestaande pyp of watertoebehoorsel behalwe 'n vaste waterverhitter en sy gepaardgaande beskermingstoestelle nie.

2. Aansoeke om die goedkeuring wat in subartikel (1) bedoel word, moet op die voorgeskrewe vorm gedoen word en vergesel gaan van —

a) die vasgestelde geld, indien van toepassing; en

b) afskrifte van die tekeninge soos deur die munisipaliteit vasgestel kan word, wat inligting verstrek in die vorm wat deur klousule 4.1.1 van SANS-kode 0252: Deel I, vereis word;

c) 'n sertifikaat wat sertifiseer dat die installasie ooreenkomstig SANS-kode 0252: Deel I deur 'n professionele Tegniese Bestuurder ontwerp is.

3. Magtiging wat ingevolge subartikel (1) verleen is, verval na verstryking van 'n tydperk van vier en twintig maande.

4. Waar goedkeuring ingevolge subartikel (1) vereis word, moet 'n volledige stel goedgekeurde tekeninge van die installeerwerk te alle tye totdat die werk voltooi is, op die plek van die werk beskikbaar wees.

5. Indien installeerwerk strydig met subartikel (1) of (2) gedoen is, kan die munisipaliteit van die eienaar vereis —

a) om die oortreding binne 'n gespesifiseerde tydperk reg te stel;

b) indien werk aan die gang is, om die werk te staak; en

c) om al sodanige werk wat nie aan hierdie verordeninge voldoen nie, te verwyder.

92. Persone toegelaat om installeer- en ander werk te doen

1. Slegs 'n loodgieter, 'n persoon wat onder die beheer van 'n loodgieter werk, of 'n ander persoon wat skriftelik deur die munisipaliteit gemagtig is, word toegelaat om:

a) installeerwerk buiten die vervanging of herstel van 'n bestaande pyp of watertoebehoorsel te doen;

b) 'n vaste waterverhitter of sy gepaardgaande beskermingstoestelle te vervang;

c) 'n waterinstallasie, brandinstallasie of opgaartenk te inspekteer, te ontsmet en te toets;

d) 'n terugvloeisperder te versien, te herstel of te vervang; of

e) 'n meter wat deur 'n eienaar in 'n waterinstallasie voorsien is, te installeer, in stand te hou of te vervang.

2. Geen persoon mag 'n persoon wat nie 'n loodgieter is nie, gebruik of in diens neem om die werk te doen wat in subartikel (1) bedoel word nie.
3. Nieteenstaande die bepalings van subartikel (1), kan die munisipaliteit 'n persoon wat nie 'n loodgieter is nie, toelaat om installeerwerk namens homself op 'n perseel wat aan hom behoort en alleenlik deur hom en sy onmiddellike huishouding geokkupeer word, te doen, met dien verstande dat sodanige werk deur 'n loodgieter onder leiding van die Tegniese Bestuurder geïnspekteer en goedgekeur moet word.

93. Verskaffing en instandhouding van waterinstallasies

1. 'n Eienaar moet sy waterinstallasie op sy eie koste voorsien en in stand hou en, behalwe waar toegelaat ingevolge artikel 96, toesien dat die installasie binne die grens van sy perseel geleë is.
2. 'n Eienaar moet 'n isoleerklep op 'n geskikte plek op 'n dienspyp onmiddellik binne die grens van die eiendom installeer in die geval van 'n meter wat buite die grens geïnstalleer is, en in die geval van 'n meter wat op die perseel geïnstalleer is, op 'n geskikte plek op sy dienspyp.
3. Voordat werk in verband met die instandhouding van 'n gedeelte van sy waterinstallasie wat buite die grens van sy perseel geleë is, gedoen word, moet 'n eienaar die skriftelike toestemming van die munisipaliteit of die eienaar op wie se grond die gedeelte geleë is, na gelang van die geval, verkry.

94. Tegniese vereistes vir 'n waterinstallasie

Nieteenstaande die vereiste dat 'n sertifikaat ingevolge artikel 25 van die Nationale Water Wet, No.36 van 1998 uitgereik moet word, moet alle waterinstallasies aan SANS 0252 Deel 1 voldoen en alle vaste elektriese warmwateropgaarders moet aan SANS 0254 voldoen.

95. Gebruik van pype en watertoebehore moet gemagtig word

1. Geen persoon mag, sonder die voorafverkreë skriftelike magtiging van die Tegniese Bestuurder, 'n pyp of watertoebehoorsel in 'n waterinstallasie binne die munisipaliteit se regsgebied installeer of gebruik nie, tensy dit ingesluit is by die Skedule van Goedgekeurde Pype en Toebehore soos deur die munisipaliteit saamgestel.
2. Aansoek om die insluiting van 'n pyp of watertoebehoorsel by die Skedule wat in subartikel (1) bedoel word, moet gedoen word op die vorm wat deur die munisipaliteit voorgeskryf word.
3. 'n Pyp of watertoebehoorsel mag nie by die Skedule wat in subartikel (1) bedoel word, ingesluit word nie, tensy dit —

a) die standaardisasiemerk van die Suid-Afrikaanse Buro van Standaarde ten opsigte van die toepaslike SANS-spesifikasie wat deur die Buro uitgereik is, op het nie;

b) 'n sertifiseringsmerk wat deur die SANS uitgereik is, op het om te sertifiseer dat die pyp of watertoebehoorsel aan 'n SANS-merkspesifikasie of 'n voorlopige spesifikasie wat deur SANS uitgereik is, voldoen, met dien verstande dat geen sertifiseringsmerke uitgereik mag word vir 'n tydperk wat twee jaar oorskry nie; of

c) vir die munisipaliteit aanvaarbaar is.

4. Die munisipaliteit kan, ten opsigte van 'n pyp of watertoebehoorsel wat by die Skedule ingesluit is, sodanige bykomende voorwaardes stel wat hy ten opsigte van die gebruik of metode van installasie nodig mag ag.
5. 'n Pyp of watertoebehoorsel moet uit die Skedule verwyder word as dit —

a) nie meer voldoen aan die maatstawwe waarop die insluiting daarvan gebaseer is nie; of

b) nie meer geskik is vir die doel waarvoor die gebruik daarvan aanvaar is nie.

6. Die huidige Skedule moet te eniger tyd gedurende werkure by die kantoor van die munisipaliteit ter insae beskikbaar wees.

7. Die munisipaliteit kan afskrifte van die huidige Skedule teen 'n vasgestelde geld verkoop.

96. Etikettering van eindwatertoebehore en -toestelle

Alle eindwatertoebehore en –toestelle wat water gebruik of uitlaat moet gemerk word of die volgende inligting by sy verpakking insluit:

a) die drukstrek in kPa waaroor die watertoebehore of –toestel ontwerp is om te werk.

b) Die vloeitempo, in liter per minuut, in verhouding tot die ontwerpdrukstrek, met dien verstande dat hierdie inligting vir ten minste die volgende druk gegee moet word: 20 kPa, 100kPa en 400 kPa.

97. Wateraanvraagbestuur

1. In 'n waterinstallasie waar die dinamiese waterdruk meer as 200 kPa by 'n stortbeheerklep is, en waar die loodgieterswerk ontwerp is om 'n balans tussen die waterdruk op die warm- en kouewatertoevoer na die stortbeheerklep te bereik, mag 'n stortkop met 'n maksimum vloeitempo van meer as 10 liter per minuut nie geïnstalleer word nie.

2. Die maksimum vloeitempo uit enige kraan wat op 'n handewasbak geïnstalleer is, mag nie 6 liter per minuut oorskry nie.

Deel 6: Gemeenskapswatervoorsieningsdienste

98. Verskaffing van watervoorsiening aan verskeie klante

1. Die Tegniese Bestuurder kan 'n gemeenskapstaanpyp vir die verskaffing van watervoorsieningsdienste aan verskeie klante by 'n plek installeer wat hy gepas ag, met dien verstande dat 'n meerderheid van verbruikers, wat na die mening van die Tegniese Bestuurder 'n aansienlike meerderheid uitmaak en aan wie waterdienste deur die staanpyp verskaf gaan word, deur hom of die munisipaliteit geraadpleeg is.

2. Die Tegniese Bestuurder kan gemeenskapswatervoorsieningsdienste verskaf deur 'n gemeenskapsinstallasie wat ontwerp is om 'n beheerde volume water aan verskeie verbruikers te voorsien.

Deel 7: Tydelike watervoorsieningsdienste

99. Water wat uit 'n brandkraan verskaf word

1. Die Tegniese Bestuurder kan 'n tydelike watertoevoer wat uit een of meer brandkrane geneem moet word wat deur hom gespesifiseer word, magtig, onderworpe aan sodanige voorwaardes en vir 'n tydperk wat hy kan voorskryf en betaling van sodanige toepaslike gelde, insluitende 'n deposito, as wat van tyd tot tyd deur die munisipaliteit vasgestel kan word.

2. 'n Persoon wat 'n tydelike watertoevoer wil verkry wat in subartikel (1) bedoel word, moet 'n deposito betaal wat van tyd tot tyd deur die munisipale raad vasgestel word.

3. Die Tegniese Bestuurder moet 'n verplaasbare watermeter en alle ander toebehore en bybehore wat vir die tydelike verskaffing van water uit 'n brandkraan nodig is, voorsien.

4. Die verplaasbare meter en alle ander toebehore en bybehore wat vir die tydelike verskaffing van water uit 'n brandkraan verskaf word, bly die eiendom van die munisipaliteit en moet by beëindiging van die tydelike verskaffing van water aan die munisipaliteit terugbesorg word.

Versuim om die verplaasbare meter en alle ander toebehore en bybehore terug te besorg, sal die oplê van strawwe wat van tyd tot tyd deur die munisipaliteit bepaal word, tot gevolg hê.

Deel 8: Boorgate

100. Kennisgewing van boorgate

1. Geen persoon mag 'n boorgat sink op 'n perseel wat in 'n dolomietgebied geleë is nie, en voordat 'n boorgat gesink word, moet 'n persoon vasstel of die perseel waarop die boorgat gesink gaan word, binne 'n dolomietgebied geleë is.
2. Die munisipaliteit kan, by openbare kennisgewing —

a) van die eienaar van 'n perseel binne 'n gebied van die munisipaliteit waarop 'n boorgat bestaan of, as die eienaar nie sodanige perseel okkupeer nie, die okkupeerder, vereis om hom kennis te gee van die bestaan van 'n boorgat op sodanige perseel, en hom van sodanige inligting oor die boorgat wat hy kan vereis, te voorsien; en

b) van die eienaar of okkupeerder van 'n perseel wat voornemens is om 'n boorgat op die perseel te sink, vereis om hom op die voorgeskrewe vorm kennis te gee van sy voorneme om dit te doen voordat daar begin word met enige werk in verband met die sink daarvan.

3. Die munisipaliteit kan van die eienaar of okkupeerder van 'n perseel wat voornemens is om 'n boorgat te sink, vereis om, tot voldoening van die munisipaliteit, 'n omgewingsimpakbeoordeling van die voorgenome boorgat te doen voordat dit gesink word.
4. Die munisipaliteit kan, by kennisgewing aan 'n eienaar of okkupeerder of by openbare kennisgewing, van 'n eienaar of okkupeerder wat 'n bestaande boorgat het wat vir watervoorsieningsdienste gebruik word, vereis om —

a) goedkeuring van hom te verkry vir die gebruik van 'n boorgat vir drinkbare watervoorsieningsdienste ooreenkomstig artikels 6, 7 en 22 van die Wet; en

b) voorwaardes stel ten opsigte van die gebruik van 'n boorgat vir drinkbare waterdienste.

Deel 9: Branddienste-aansluitings

101. Aansluiting moet deur die munisipaliteit goedgekeur word

1. Die Tegniese Bestuurder is na sy absolute goeddunke geregtig om 'n aansoek om die aansluiting van 'n brandbestrydingsinstallasie by die munisipaliteit se hoofleiding toe te staan of te weier.
2. Geen water mag aan 'n brandbestrydingsinstallasie voorsien word nie alvorens 'n sertifikaat dat die munisipaliteit se goedkeuring gevolge artikel 25 van die Nationale Water Wet, No.36 van 1998 verkry is en dat die installasie aan die vereistes van hierdie en ander verordeninge van die munisipaliteit voldoen, ingedien is.
3. Indien, na die Tegniese Bestuurder se mening, 'n brandbestrydingsinstallasie wat hy toegelaat het om met die munisipaliteit se hoofleiding verbind te word, nie in 'n behoorlike werkende toestand gehou word nie, of andersins nie behoorlik in stand gehou word nie, of gebruik word vir ander doeleindes as brandbestryding, dan sal hy geregtig wees om óf te vereis dat die installasie van die hoofleiding ontkoppel word óf self die werk van ontkoppeling op die klant se onkoste te doen.

102. Spesiale bepalings

Die bepalings van SANS 0252-1 is van toepassing op die voorsiening van water vir brandbestrydingsdoeleindes.

103. Dubbel- en gekombineerde installasies

Alle nuwe geboue wat na die inwerkingtreding van hierdie verordeninge opgerig word, moet aan die volgende vereistes met betrekking tot die verskaffing van brandbestrydingsdienste voldoen:

a) Indien aanja van die stelsel vereis word, moet 'n dubbelpypstelsel gebruik word, een vir brandbestrydingsdoeleindes en die ander vir algemene huishoudelike doeleindes.

b) Gekombineerde installasies mag net toegelaat word waar geen aanjapompaansluiting op die waterinstallasie verskaf word nie. In sulke gevalle moet 'n brandkraan deur die munisipaliteit, op die klant se onkoste, binne 90 meter van die eiendom voorsien word om 'n bron van water te verskaf wat die brandweerwa kan gebruik om brande te blus.

c) Gekombineerde installasies waar 'n aanjapompaansluiting verskaf word, mag net toegelaat word as dit deur 'n professionele Tegniese Bestuurder ontwerp en gesertifiseer is.

d) Alle pype en toebehore moet in staat wees om druk van meer as 1 800 kPa te kan hanteer, as daardie druk verwag kan word wanneer aanja plaasvind, en moet hulle integriteit kan handhaaf wanneer hulle aan brandtoestande blootgestel word.

104. Verbindingspype vir brandbestrydingsdienste

1. Na die inwerkingtreding van hierdie verordeninge, moet 'n enkelverbindingspyp vir beide brand (uitgesonderd sprinkelstelsels) en drinkbare watervoorsieningsdienste deur die Tegniese Bestuurder verskaf word.

2. Die Tegniese Bestuurder moet, op die koste van die eienaar, 'n kombinasiemeter op die verbindingspyp wat in subartikel (1) bedoel word, verskaf en installeer.

3. 'n Afsonderlike verbindingspyp moet vir elke sprinkelbrandbestrydingstelsel gelê en gebruik word, tensy die Tegniese Bestuurder sy goedkeuring tot die teendeel gee.

4. 'n Verbindingspyp moet toegerus wees met 'n meettoestel wat nie die vloei van water sal belemmer terwyl die toestel werk nie.

105. Kleppe en meters in verbindingspype

Elke verbindingspyp na 'n brandbestrydingsinstallasie moet toegerus wees met kleppe en 'n meettoestel wat:

a) op die onkoste van die klant deur die Tegniese Bestuurder voorsien is;

b) tussen die klant se eiendom en die hoofleiding geïnstalleer word; en

c) in 'n posisie geïnstalleer word wat deur die Tegniese Bestuurder bepaal kan word.

106. Meters in brandbestrydingsverbindingspype

Die Tegniese Bestuurder is geregtig om 'n watermeter in enige verbindingspyp uitsluitlik vir brandbestrydingsdoeleindes te installeer en die eienaar van die perseel is aanspreeklik vir alle koste om dit te doen as dit vir die munisipaliteit lyk asof water uit die pyp vir ander doeleindes as vir die doel van bestryding van 'n brand gebruik is.

107. Sprinkelblusinstallasie

'n Sprinkelinstallasie kan regstreeks op die hoofleiding geïnstalleer word, maar die munisipaliteit kan nie geag word enige gespesifiseerde druk te eniger tyd te waarborg nie.

108. Drukhoogtetenk of dubbeltoevoer van hoofleiding af

1. Die klant moet 'n drukhoogtetenk op so 'n elevasie installeer dat dit vergoed vir enige onderbreking of vermindering van druk in die munisipaliteit se hoofleiding vir sy sprinkelinstallasie, tensy hierdie installasie van 'n duplikaattoevoer van 'n afsonderlike hoofleiding voorsien is.
2. Die hoofleidingpyp wat van 'n drukhoogtetenk na die sprinkelinstallasie lei, kan in regstreekse kommunikasie met die hoofleiding wees, met dien verstande dat die hoofleiding toegerus moet wees met 'n terugslagklep wat, indien die druk in die hoofleiding om enige rede onderbreek of verminder word, die toevoer van die hoofleiding sal afsluit.
3. Waar 'n sprinkelinstallasie van 'n duplikaattoevoer vanaf 'n afsonderlike hoofleiding voorsien is, moet elke toevoerpyp toegerus wees met 'n terugslagklep wat binne die perseel geleë is.

109. Verseël van privaat brandkrane

1. Behalwe waar 'n stelsel 'n gekombineerde stelsel met 'n kombinasiemeter is, moet alle privaat brandkrane en slangtolle deur die munisipaliteit verseël word, en die seëls mag nie, buiten vir die doeleindes om die brandkraan oop te maak of die slang te gebruik wanneer daar 'n brand is, gebreek word deur enige ander persoon as die munisipaliteit in die loop van versiening en toetsing nie.
2. Die klant moet die munisipaliteit minstens 48 uur kennis gee voordat 'n brandbestrydingsinstallasie versien en getoets word.
3. Die koste van die herverseëling van brandkrane en slangtolle moet deur die klant gedra word, behalwe wanneer die seëls deur die munisipaliteit se beamptes vir toetsdoeleindes gebreek word.
4. Die klant moet vir enige water wat deur 'n brandinstallasie- of sprinkelstelsel verbruik word, betaal teen die gelde wat deur die munisipaliteit vasgestel is.

HOOFSTUK 5: VOORWAARDES VIR SANITASIEDIENSTE

Deel 1: Aansluiting by sanitasiestelsel

110. Verpligting om by sanitasiestelsel aan te sluit

1. Alle persele waarop rioolvuil ontstaan, moet by die munisipaliteit se sanitasiestelsel aangesluit word as daar 'n aansluitriool beskikbaar is of as dit redelik moontlik of koste-effektief vir die munisipaliteit is om 'n aansluitriool te installeer, tensy goedkeuring vir die gebruik van terreinsanitasiedienste ooreenkomstig artikel 98 verkry is.
2. Die munisipaliteit kan, by kennisgewing, van die eienaar van 'n perseel wat nie by die munisipaliteit se sanitasiestelsel aangesluit is nie, vereis om by die sanitasiestelsel aan te sluit.
3. 'n Eienaar van 'n perseel van wie ooreenkomstig subartikel (1) vereis word om daardie perseel by die munisipaliteit se sanitasiestelsel aan te sluit, moet die munisipaliteit skriftelik in kennis stel van enige sanitasiedienste wat deur die munisipaliteit op die terrein verskaf word wat as gevolg van die aansluiting by die sanitasiestelsel nie meer nodig sal wees nie.
4. Die eienaar sal aanspreeklik wees vir enige gelde wat ten opsigte van sanitasiedienste op die terrein betaalbaar is totdat 'n ooreenkoms vir die lewer van daardie dienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering beëindig is.
5. Indien die eienaar versuim om die perseel by die sanitasiestelsel aan te sluit na 'n kennisgewing ingevolge subartikel (2), kan die munisipaliteit, ondanks enige ander stappe wat hy ingevolge hierdie verordeninge kan doen, 'n boete oplê wat deur hom vasgestel is.

111. Voorsiening van aansluitriool

1. Indien 'n ooreenkoms vir sanitasiedienste ten opsigte van 'n perseel ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering aangegaan is en geen aansluitriool ten opsigte van die perseel bestaan nie, moet die eienaar op die voorgeskrewe vorm aansoek doen en die tariewe en gelde betaal wat deur die munisipaliteit vir die installering van 'n aansluitriool vasgestel is.
2. Indien aansoek gedoen word vir sanitasiedienste wat van so 'n omvang is of so geleë is dat dit nodig word om die sanitasiestelsel uit te brei, te verander of op te gradeer ten einde sanitasiedienste aan 'n perseel te verskaf, kan die munisipaliteit tot die uitbreiding instem slegs as die eienaar vir die koste, soos deur die Tegniese Bestuurder vasgestel, van die uitbreiding, verandering of opgradering betaal of onderneem om daarvoor te betaal.
3. Slegs die Tegniese Bestuurder kan 'n aansluitriool installeer of 'n geïnstalleerde aansluitriool goedkeur; maar die eienaar of klant kan die sanitasie-installasie by die verbindingspyp aansluit.
4. Geen persoon mag 'n ontwikkeling op 'n perseel begin nie tensy die Tegniese Bestuurder 'n aansluitriool geïnstalleer het.

112. Ligging van aansluitriool

1. 'n Aansluitriool wat deur die Tegniese Bestuurder voorsien en geïnstalleer is, moet —

a) geleë wees in 'n posisie wat deur die Tegniese Bestuurder bepaal is en van 'n geskikte grootte wees wat deur die Tegniese Bestuurder bepaal is; en

b) eindig by —

i) die grens van die perseel; of

ii) by die aansluitpunt as dit op die perseel geleë is.

2. Die Tegniese Bestuurder kan, op versoek van die eienaar van 'n perseel, 'n aansluiting aan 'n ander aansluitriool as een wat die mees geredelike beskikbaar vir die verskaffing van sanitasiedienste aan die perseel is, goedkeur, onderworpe aan enige voorwaardes wat hy mag stel; in welke geval die eienaar verantwoordelik is vir enige uitbreiding van die perseelrioolinstallasie tot by die aansluitpunt wat deur die munisipaliteit aangewys is en om, op sy eie koste, 'n serwituut op 'n ander perseel te verkry wat nodig is.
3. Waar daar van 'n eienaar vereis word om 'n rioolvuilhefpomp te voorsien soos ingevolge die Bouregulasies bepaal word, of die perseel op 'n vlak is waar die perseelrioolinstallasie nie deur swaartekragwerking na die riool kan afloop nie, is die aflooptempo en -tyd aan die goedkeuring van die munisipaliteit onderworpe.
4. Die eienaar van 'n perseel moet die aansluitgelde en tariewe wat deur die munisipaliteit vasgestel is, betaal voordat 'n aansluiting by die aansluitriool bewerkstellig kan word.

113. Voorsiening van een aansluitriool vir verskeie verbruikers op dieselfde perseel

1. Nieteenstaande die bepalings van artikel 46, kan net een aansluitriool in die sanitasiestelsel voorsien word vir die wegdoening van rioolvuil van 'n perseel, ongeag die aantal akkommodasie-eenhede of verbruikers wat op sodanige perseel geleë is.
2. Nieteenstaande subartikel (1), kan die munisipaliteit magtig dat meer as een aansluitriool in die sanitasiestelsel voorsien word vir die wegdoening van rioolvuil van 'n perseel wat uit deeltiteleenhede bestaan of indien, na die mening van die munisipaliteit, onnodige ontbering of ongerief vir 'n verbruiker op so 'n perseel deur die voorsiening van net een aansluitriool veroorsaak sal word.
3. Waar die voorsiening van meer as een aansluitriool deur die munisipaliteit kragtens subartikel (2) gemagtig word, is die tariewe en gelde vir die voorsiening van 'n aansluitriool betaalbaar ten opsigte van elke rioolvuilaansluiting aldus voorsien.

114. Tussenaansluiting tussen persele

'n Eienaar van 'n perseel moet toesien dat geen tussenaansluiting tussen die perseelrioolinstallasie op sy perseel en die perseelrioolinstallasie op 'n ander perseel bestaan nie, tensy hy vooraf goedkeuring by die munisipaliteit gekry het en voldoen aan enige voorwaardes wat die munisipaliteit mag gestel het.

115. Ontkoppeling van aansluitriool

Die Tegniese Bestuurder kan 'n perseelrioolinstallasie van die verbindingspyp ontkoppel en die verbindingspyp verwyder by beëindiging van 'n ooreenkoms vir die voorsiening van watervoorsieningsdienste ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering.

Deel 2: Standaarde

116. Standaarde vir sanitasiedienste

Sanitasiedienste wat deur die munisipaliteit verskaf word, moet voldoen aan die minimum standaarde wat ingevolge artikel 9 van die Wet vir die verskaffing van sanitasiedienste gestel is.

Deel 3: Metodes vir die vasstelling van gelde

117. Meting van hoeveelheid huishoudelike uitvloeisel uitgelaat

1. Vanaf 1 Julie 2003 word die hoeveelheid huishoudelike uitvloeisel wat uitgelaat word, bepaal as 'n persentasie van water wat deur die munisipaliteit verskaf word; met dien

verstande dat, waar die munisipaliteit van mening is dat so 'n persentasie ten opsigte van 'n spesifieke perseel buitensporig is met inagneming van die doeleindes waarvoor water op daardie perseel verbruik word, die munisipaliteit die persentasie wat op daardie perseel van toepassing is, kan verminder tot 'n syfer wat, na sy mening en in die lig van die beskikbare inligting, die verhouding tussen die waarskynlike hoeveelheid rioolvuil wat van die perseel uitgelaat word en die hoeveelheid water wat verskaf is, weerspieël.

2. Waar 'n perseel van water voorsien word uit 'n ander bron as, of bykomend tot, die munisipaliteit se watervoorsieningstelsel, insluitende onttrekking uit 'n rivier of boorgat, moet die hoeveelheid 'n persentasie wees van die totale water wat op daardie perseel gebruik word wat redelik deur die munisipaliteit geraam word.

118. Meting van hoeveelheid en vasstelling van gehalte van nywerheidsuitvloeisel uitgelaat

1. Die hoeveelheid nywerheidsuitvloeisel wat in die sanitasiestelsel uitgelaat word moet vasgestel word —

a) waar 'n meettoestel geïnstalleer is, deur die hoeveelheid nywerheidsuitvloeisel wat van die perseel uitgelaat word soos gemeet deur die meettoestel; of

b) totdat 'n meettoestel geïnstalleer word, deur 'n persentasie van die water wat deur die munisipaliteit aan daardie perseel verskaf word.

2. Die munisipaliteit kan van die eienaar van 'n perseel vereis om 'n perseelrioolinstallasie wat nywerheidsuitvloeisel vervoer by 'n riool, 'n beheermeter, meter of ander toestel van 'n goedgekeurde soort en onder beheer van die munisipaliteit in te sluit met die doel om, tot voldoening van die munisipaliteit, die tempo, volume en samestelling van die uitvloeisel te bepaal.

3. (3) Die munisipaliteit kan 'n beheermeter, meter of toestel wat in subartikel (2) bedoel word, installeer op die koste van die eienaar van die perseel waarop dit geïnstalleer word.

4. Waar water uit 'n ander bron as, of bykomend tot, die munisipaliteit se watervoorsieningstelsel, insluitende onttrekking uit 'n rivier of boorgat, aan 'n perseel verskaf word, sal die hoeveelheid 'n persentasie wees van die totale water wat op daardie perseel verbruik is wat redelik deur die munisipaliteit geraam word.

5. Waar 'n gedeelte van die water wat aan die perseel verskaf word, deel uitmaak van die eindproduk van 'n vervaardigingsproses of deur reaksie of verdamping gedurende die vervaardigingsproses of om enige ander rede verlore gaan, kan die munisipaliteit op aansoek van die eienaar die geskatte hoeveelheid nywerheidsuitvloeisel verminder.

6. Die munisipaliteit kan, na sy goeddunke, 'n ooreenkoms met 'n persoon wat nywerheidsuitvloeisel in die sanitasiestelsel uitlaat aangaan om 'n alternatiewe metode van skatting van die hoeveelheid en tempo van uitvloeisel wat aldus uitgelaat word, te bepaal.

7. Gelde wat met die gehalte van nywerheidsuitvloeisel verband hou, sal gebaseer wees op die formule vir nywerheidsuitvloeiseluitlaat soos in Skedule C voorgeskryf.

8. Die volgende voorwaardes is van toepassing ten opsigte van die skatting van die gehalte van nywerheidsuitvloeisel uitgelaat:

a) elke klant moet die voorgeskrewe toets doen volgens 'n gereelde skedule soos waarvoor daar voorsiening gemaak is in die goedkeuring om nywerheidsuitvloeisel uit te laat, en aan die munisipaliteit oor die resultate verslag doen;

b) die munisipaliteit kan steekproefvoldoeningstoetse doen om dit te korreleer met dié wat in subartikel (a) gebruik is en, indien teenstrydighede gevind word, word veronderstel dat die waardes van die munisipaliteit juis is, behalwe vir die doeleindes van strafregtelike verrigtinge, en verdere toetse kan deur die munisipaliteit vereis word om, op die koste van die verbruiker, die waardes vir die formule vas te stel;

c) die gemiddelde van die waardes van die verskillende ontledingsresultate van 24 uurliks-saamgestelde of los monsters van die uitvloeisel, geneem gedurende die uitlaattydperk, sal gebruik word om die gehaltegelde wat betaalbaar is, vas te stel;

d) in die afwesigheid van 'n volledige daaglikse stel van 24 uurliks-saamgestelde of los monsters, sal die gemiddeld van nie minder nie as twee waardes van die bemonsterde uitvloeisel, geneem gedurende die uitlaattydperk, gebruik word om die gelde wat betaalbaar is vas te stel;

e) ten einde die sterkte (chemiese suurstofbehoefte, gesuspendeerde vastestofkonsentrasie, ammoniakkonsentrasie en orto-fosfaatkonsentrasie) in die uitvloeisel asook die konsentrasie van Groep 1- en 2-metale, p-waarde en geleivermoë te bepaal, sal die munisipaliteit die toetse gebruik wat normaalweg deur munisipaliteite vir hierdie onderskeie doeleindes gebruik word. Besonderhede van die toepaslike toets kan by die munisipaliteit of die SANS vasgestel word. Toetsresultate van 'n laboratorium, deur die munisipaliteit geakkrediteer, sal voorrang hê bo dié van die munisipaliteit;

f) die formule word bereken op die grondslag van die verskillende ontledingsresultate van individuele los monsters of saamgestelde monsters en die tydperk van behandeling vir berekening mag nie minder wees nie as een volle 24-uur-tydperk; tensy bewys aan die munisipaliteit voorgelê word dat 'n korter tydperk eintlik toepaslik is;

g) die terme van die ontmoedigingsformule kan nie 'n negatiewe waarde aanneem nie;

h) die totale stelselwaardes vir gehaltegelde moet konstant bly vir 'n aanvanklike tydperk van een maand, maar in elk geval nie langer nie as twaalf maande vanaf die datum van die inwerkingtreding van hierdie gelde, na verstryking waarvan dit van tyd tot tyd gewysig of hersien kan word, afhangende van sodanige veranderings in die ontledingsresultate of verdere monsters, na gelang van tyd tot tyd bepaal kan word: met dien verstande dat die munisipaliteit na goeddunke in 'n bepaalde geval die minimum gelde wat by subartikel (7)(l) voorgeskryf word, kan hef sonder om enige monsters te neem;

(i) wanneer die munisipaliteit 'n monster neem, moet een helfte daarvan aan die klant beskikbaar gestel word;

(j) vir die doeleindes van die berekening van die hoeveelheid uitvloeisel wat by elke uitvloeiseluitlaatpunt uitgelaat word, word die totale hoeveelheid water wat op die perseel verbruik word, so akkuraat as wat redelik prakties is, aan die verskillende uitlaatpunte toegewys;

(k) die koste van die vervoer en behandeling van nywerheidsuitvloeisel word deur die munisipaliteit vasgestel en geld vanaf 'n datum wat deur die munisipaliteit vasgestel word; en

(l) na goeddunke van die munisipaliteit, kan die gelde vir nywerheidsuitvloeisel na 'n vaste maandelikse geld verander word, met inagneming van die uitvloeiselsterkte, die volume en die ekonomiese lewensvatbaarheid van mikro- en klein nywerhede.

119. Vermindering in die gemete hoeveelheid uitvloeisel uitgelaat

1. 'n Persoon is geregtig op die vermindering van die hoeveelheid uitvloeisel uitgelaat, soos vasgestel ingevolge artikels 51 en 52, waar die hoeveelheid water waarop 'n persentasie bereken word, gemeet is gedurende 'n tydperk waartydens water verkwis is of 'n lekkasie onontdek was, indien die verbruiker tot voldoening van die munisipaliteit bewys dat die water nie in die sanitasiestelsel uitgelaat is nie.

2. Die vermindering in die hoeveelheid is gebaseer op die hoeveelheid water wat deur lekkasie of verkwisting gedurende die lekkasietydperk verlore gegaan het.

3. Die lekkasietydperk sal óf die meettydperk onmiddellik voor die datum van die herstel van die lekkasie wees, óf die meettydperk waartydens die lekkasie herstel is, watter een ook al die grootste vermindering in die hoeveelheid tot gevolg het.

4. Die hoeveelheid water wat verlore gegaan het word bereken as die verbruik vir die lekkasietydperk min die gemiddelde verbruik vir dieselfde tydsduur, gebaseer op die voorafgaande 3 (drie) maande. In geval geen vorige verbruiksgeskiedenis beskikbaar is nie, sal die gemiddelde waterverbruik deur die munisipaliteit vasgestel word, met inagneming van alle inligting wat hy tersaaklik ag.
5. Daar mag geen vermindering van die hoeveelheid wees nie indien 'n verlies van water regstreeks of onregstreeks spruit uit 'n verbruiker se versuim om aan hierdie of ander verordeninge te voldoen.

120. Gelde ten opsigte van "terrein"-sanitasiedienste

Gelde ten opsigte van die verwydering of insameling van opgaartenkinhoud, nagvuil of die leegmaak van putte sal al die bedryfs- en instandhoudingskoste dek wat uit die verwydering van die putinhoud, die vervoer daarvan na 'n wegdoeningsterrein, die behandeling van die inhoud om 'n sanitêre toestand te bereik en die finale wegdoening van enige vaste residu spruit, en is deur die eienaar betaalbaar.

Deel 4: Perseelrioolinstallasies

121. Installering van perseelrioolinstallasies

'n Eienaar moet sy perseelrioolinstallasie op sy eie onkoste voorsien en in stand hou, tensy die installasie 'n basiese sanitasiefasiliteit is soos deur die munisipaliteit bepaal, en moet, behalwe waar andersins deur die munisipaliteit goedgekeur, toesien dat die installasie binne die grens van sy perseel geleë is.

1. Die munisipaliteit kan die punt in die perseelriool, en die diepte onder die grond, voorskryf waar 'n perseelrioolinstallasie aangesluit moet word en die roete wat deur die perseelriool tot by die aansluitpunt gevolg moet word, en kan van die eienaar vereis om nie met die konstruksie of aansluiting van die perseelrioolinstallasie te begin voordat die munisipaliteit se aansluitriool gelê is nie.
2. Enige perseelrioolinstallasie wat gebou of geïnstalleer is, moet aan enige toepaslike spesifikasies ingevolge die Bouregulasies en enige standaard wat ingevolge die Wet voorgeskryf word, voldoen.
3. Geen persoon mag toelaat dat enige vloeibare of vaste stof hoegenaamd, behalwe skoon water vir toetsdoeleindes, 'n perseelrioolinstallasie binnekom voordat die perseelrioolinstallasie by die riool aangesluit is nie.
4. Waar 'n perseel in die 1-in-50-jaar vloedvlakte geleë is, moet die boonste vlak van alle dienstoegangsgate, inspeksiekamers en rioolputte bo die 1-in-50-jaar vloedvlakte wees.
5. Na die voltooiing van 'n perseelrioolinstallasie, of nadat enige verandering aan 'n perseelrioolinstallasie voltooi is, moet die loodgieter verantwoordelik vir die verrigting van die werk 'n sertifikaat by die bouinspeksieafdeling van die munisipaliteit indien waarin gesertifiseer word dat die werk voltooi is volgens die standaarde wat in die Bouregulasies, hierdie verordeninge en enige toepaslike wet of verordeninge uiteengesit word.
6. Geen reënwater of stormwater en geen uitvloeisel behalwe uitvloeisel wat deur die munisipaliteit goedgekeur is, mag in 'n perseelrioolinstallasie uitgelaat word nie.

122. Ontkoppeling van perseelrioolinstallasies

1. Behalwe met die doel om instandhoudings- of herstelwerk te doen, mag geen perseelrioolinstallasie van die aansluitpunt ontkoppel word nie.

2. Waar 'n deel van 'n perseelrioolinstallasie van die res ontkoppel word omdat dit nie meer gebruik gaan word nie, moet die ontkoppelde deel vernietig of heeltemal van die perseel waarop dit gebruik is, verwyder word, tensy die munisipaliteit andersins goedkeur.
3. Wanneer 'n ontkoppeling gemaak is nadat daar aan al die vereistes van die Bouregulasies met betrekking tot ontkoppeling voldoen is, moet die Tegniese Bestuurder, op versoek van die eienaar, 'n sertifikaat uitreik waarin gesertifiseer word dat die ontkoppeling ingevolge die Bouregulasies voltooi is en dat enige gelde wat ten opsigte van die ontkoppelde deel van die perseelrioolinstallasie gevra is, vanaf die einde van die maand voor die eerste dag van die maand wat op die uitreiking van so 'n sertifikaat volg, nie meer gehef sal word.
4. Wanneer 'n perseelrioolinstallasie van 'n riool ontkoppel is, moet die Tegniese Bestuurder die opening wat deur die ontkoppeling veroorsaak is, afdig en kan die koste om dit te doen, verhaal word op die eienaar van die perseel waarop die installasie ontkoppel is.
5. Waar 'n perseelrioolinstallasie gedurende 'n maand by die rioolstelsel aangesluit of daarvan ontkoppel word, sal die gelde bereken word asof die aansluiting of ontkoppeling gedoen is op die eerste dag van die maand wat volg op die maand waarin die aansluiting of ontkoppeling plaasgevind het.

123. Instandhouding van perseelrioolinstallasies

1. 'n Eienaar moet sy perseelrioolinstallasie op sy eie koste voorsien en in stand hou.
2. Waar enige deel van 'n perseelrioolinstallasie deur twee of meer eienaars of okkupeerders gebruik word, is hulle gesamentlik en afsonderlik aanspreeklik vir die instandhouding van die installasie.
3. Die eienaar van 'n perseel moet toesien dat alle mangate en skoonmaakoë op die perseel permanent sigbaar en toeganklik is.

124. Tegniese vereistes vir perseelrioolinstallasies

Alle perseelrioolinstallasies moet aan SANS-kode 0252 en die Bouregulasies voldoen.

125. Perseelriole

1. Perseelriole wat deur grond loop wat na die mening van die Tegniese Bestuurder aan verskuiwing onderworpe is, moet gelê word op 'n aaneenlopende bed riviersand of soortgelyke korrelrige materiaal nie minder nie as 100 mm dik onder die huls van die pyp en met 'n omranding van soortgelyke materiaal en dikte, en die lasse van sulke perseelriole moet buigsame lasse wees wat deur die Tegniese Bestuurder goedgekeur is.
2. 'n Perseelriool of deel daarvan mag slegs binne 'n gebou geleë wees of, met die goedkeuring van die Tegniese Bestuurder, onder of deur 'n gebou loop.
3. 'n Perseelriool of deel daarvan wat in 'n ontoeganklike posisie onder 'n gebou geleë is, mag nie buig of teen 'n helling gelê word nie.
4. Indien 'n perseelriool deur of onder 'n muur, fondament of ander struktuur loop, moet toereikende voorsorgmaatreëls getref word om die uitlaat van enige stof in die perseelriool te voorkom.

126. Rioolverstoppings

1. Geen persoon mag 'n ophoping van vet, olie, vaste stof of enige ander stof in 'n sperder, tenk of toebehore veroorsaak of toelaat wat die verstopping of oneffektiewe werking daarvan kan veroorsaak nie.

2. Wanneer die eienaar of okkupeerder van 'n perseel rede het om te glo dat 'n verstopping in of op 'n perseelrioolinstallasie plaasgevind het, moet hy onmiddellik stappe doen om dit oop te maak.
3. Wanneer die eienaar of okkupeerder van 'n perseel rede het om te glo dat 'n verstopping in die rioolstelsel plaasgevind het, moet hy die munisipaliteit onmiddellik in kennis stel.
4. Wanneer 'n verstopping in 'n perseelrioolinstallasie plaasvind, moet enige werk wat vir die verwydering daarvan nodig is, deur, of onder toesig van, 'n loodgieter gedoen word.
5. Indien enige perseelrioolinstallasie op 'n perseel oorloop as gevolg van 'n verstopping in die riool, en indien die munisipaliteit redelik tevrede is dat die verstopping veroorsaak is deur voorwerpe wat van die perseelrioolinstallasie afkomstig is, is die eienaar van die perseel wat deur die perseelrioolinstallasie bedien word, aanspreeklik vir die koste van die oopmaak van die verstopping.
6. Waar 'n verstopping verwyder is uit 'n perseelriool of deel van 'n perseelriool wat twee of meer persele bedien, is die eienaars gesamentlik en afsonderlik aanspreeklik vir die koste van die oopmaak van die verstopping.
7. Waar 'n verstopping in 'n sanitasiestelsel deur die Tegniese Bestuurder verwyder is en die verwydering versteuring van 'n eienaar se plaveisel, grasperk of ander kunsmatige oppervlak verg, sal daar nie van die Tegniese Bestuurder of die munisipaliteit vereis word om dit in die vorige toestand te herstel nie en hulle sal ook nie verantwoordelik wees vir enige skade daaraan nie, tensy dit deur die onregmatige handeling of nalatigheid van die Tegniese Bestuurder veroorsaak is.

127. Vetvangers

'n Vetvanger van 'n goedgekeurde soort, grootte en vermoë moet voorsien word ten opsigte van alle persele wat rioolvuil in terreinsanitasiestelsels uitlaat of waar, na die mening van die munisipaliteit, die uitlaat van vet en olie waarskynlik 'n verstopping in die vloei van riole of perseelriole sal veroorsaak of met die behoorlike werking van 'n afvalwaterbehandelingsaanleg sal inmeng.

128. Nywerheidsvetvangers

1. Die eienaar of vervaardiger moet toesien dat nywerheidsuitvloeisel wat vet, olie, of anorganiese vaste stof in suspensie bevat of, na die mening van die munisipaliteit waarskynlik bevat, voordat dit toegelaat word om 'n riool binne te gaan, vloei deur een of meer tenks of kamers van 'n soort, grootte en inhoudsvermoë wat ontwerp is om sodanige vet, olie of vaste stof te onderskep en terug te hou, wat deur die Tegniese Bestuurder goedgekeur is.
2. Die eienaar of vervaardiger moet toesien dat olie, vet of enige ander stof wat in nywerheidsuitvloeisel of ander vloeistof vervat is en wat 'n vlambare of skadelike damp teen 'n temperatuur van, of meer as, 20° C afgee, in 'n tenk of kamer onderskep en teruggehou word om te voorkom dat dit die riool binnegaan.
3. 'n Tenk of kamer wat in subartikel (2) bedoel word, moet aan die volgende vereistes voldoen:

a) Dit moet 'n toereikende inhoudsvermoë hê, van harde duursame materiaal gebou wees en waterdig wees wanneer dit voltooi is;

b) die waterslot van sy uitlaatpyp moet nie minder as 300 mm diep wees nie; en

c) dit moet voorsien wees van 'n toereikende aantal mangatdeksels vir die afdoende en effektiewe verwydering van vet, olievet en vaste stowwe.

4. 'n Persoon wat uitvloeisel in 'n tenk of kamer uitlaat, moet vet, olie of vaste stof gereeld uit die tenk of kamer verwyder en 'n register aanhou waarin aangeteken word —

a) die datums waarop die tenk of kamer skoongemaak is;

b) die naam van die persone wat by hom in diens is om die tenk of kamer skoon te maak of, as hy dit self skoongemaak het, die feit dat hy dit gedoen het; en

c) 'n sertifikaat van die persoon in diens om dit skoon te maak, wat sertifiseer dat die tenk of kamer skoongemaak is en die wyse meld waarop daar met die inhoud van die tenk of kamer weggedoen is of, as hy dit self skoongemaak het, sy eie sertifikaat te dien effekte.

129. Meganiese toestelle vir lig van rioolvuil

1. Die eienaar van 'n perseel moet die goedkeuring van die Tegniese Bestuurder verkry voordat enige meganiese toestel vir die lig of oorplaas van rioolvuil ingevolge die Bouregulasies geïnstalleer word.

2. Daar moet deur 'n professionele Tegniese Bestuurder aansoek gedoen word, vergesel van tekeninge wat ooreenkomstig die toepaslike bepalings van die Bouregulasies opgestel is en besonderhede toon van die kompartement wat die toestel bevat, die rioolvuilopgaartenk, die dempkamer en hulle posisies, en die posisie van die perseelriole, ventilasiepype, stygleiding en die rioolaansluiting.

3. Nieteenstaande enige goedkeuring wat ingevolge subartikel (1) gegee is, is die munisipaliteit nie aanspreeklik vir enige besering, verlies of skade aan lewens of eiendom wat deur die gebruik, wanfunksionering of enige ander toestand wat uit die installasie of werking van 'n meganiese toestel vir die lig of oorplaas van rioolvuil spruit nie, tensy die besering of skade veroorsaak is deur die onregmatige opsetlike of nalatige handeling of nalatigheid van 'n werknemer van die munisipaliteit.

4. Elke meganiese toestel wat vir die lig of oorplaas van rioolvuil geïnstalleer word, moet spesifiek vir die doel ontwerp wees en moet toegerus wees met 'n uitlaatpyp, sluiskleppe en terugslagkleppe wat in goedgekeurde posisies geleë is.

5. Tensy andersins deur die Tegniese Bestuurder toegelaat, moet sodanige meganiese toestelle in duplikaat geïnstalleer word en elke sodanige toestel moet so beheer word dat enigeen van hulle onmiddellik outomaties sal begin funksioneer in geval die ander een weier.

6. Elke meganiese toestel wat deel van 'n perseelrioolinstallasie uitmaak, moet so geleë wees en so werk dat dit nie enige oorlas deur geraas of reuk of andersins veroorsaak nie, en elke kompartement wat so 'n toestel bevat, moet effektief geventileer wees.

7. Die maksimum uitlaattempo uit enige meganiese toestel en die tye waartussen die uitlaat mag plaasvind, moet wees soos vasgestel deur die Tegniese Bestuurder, wat te eniger tyd van die eienaar kan vereis om sodanige toebehore en reguleertoestelle te installeer wat na sy mening nodig kan wees om te verseker dat die vasgestelde maksimum uitlaattempo nie oorskry word nie.

8. Behalwe waar rioolvuilopgaarruimte as 'n integrale deel by 'n meganiese toestel ingesluit is, moet 'n rioolvuilopgaartenk saam met sodanige toestel verskaf word.

9. Elke rioolvuilopgaartenk wat ingevolge paragraaf (a) vereis word, moet —

a) van harde, duursame materiaal gebou wees en moet waterdig wees en die binne-oppervlakke van die mure en vloer moet glad en ondeurlatend wees;

b) 'n opgaarvermoë onder die vlak van die inlaat hê wat gelyk staan aan die hoeveelheid rioolvuil wat in 24 uur daarin uitgelaat word of 900 liter, watter een ook al die grootste hoeveelheid is; en

c) so ontwerp wees dat die maksimum van sy rioolvuilinhoud by elke uitlaatsiklus van die meganiese toestel leeggemaak word.

10. Elke opgaartenk en dempkamer moet voorsien wees van 'n ventilasiepyp ooreenkomstig die Tegniese Bestuurder se spesifikasies.

Deel 5: Terreinsanitasiedienste en gepaardgaande dienste

130. Installering van terreinsanitasiedienste

Indien 'n ooreenkoms vir terreinsanitasiedienste ten opsigte van 'n perseel aangegaan is, of as dit nie redelik moontlik of koste-effektief vir die munisipaliteit is om 'n aansluitriool te installeer nie, moet die eienaar sanitasiedienste wat deur die munisipaliteit gespesifiseer is, op die terrein installeer, tensy die diens 'n gesubsidieerde diens is wat deur die munisipaliteit bepaal is ooreenkomstig artikel 10 van die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering.

131. Geventileerde verbeterde putlatrines

1. Die munisipaliteit kan, op sodanige voorwaardes wat hy mag voorskryf, met inagneming van die aard en deurlatendheid van die grond, die diepte van die watertafel, die grootte van, en toegang tot, die terrein en die beskikbaarheid van 'n pypwatertoevoer, die wegdoening van menslike ekskrement deur middel van 'n geventileerde verbeterde put(VIP)latrine goedkeur.
2. 'n Geventileerde verbeterde putlatrine moet —

a) 'n put met 'n inhoudsvermoë van 2 m³ hê;

b) 'n voering hê soos vereis;

c) 'n platblok hê wat ontwerp is om die geërfde lading te stut; en

d) 'n beskerming hê wat verhoed dat kinders in die put val;

3. 'n Geventileerde verbeterde putlatrine moet aan die volgende spesifikasies voldoen:

a) die put moet geventileer word deur middel van 'n pyp wat by die bopunt met duursame insekwerende sif afgedig is wat stewig in plek geplaas is;

b) die ventilasiepyp moet nie minder nie as 0.5 m bokant die naaste dak uitsteek, moet minstens 150 mm in diameter wees en moet vertikaal sonder 'n buig geïnstalleer wees;

c) die binnekant van die kloset moet glad afgewerk wees sodat dit in 'n skoon en higiëniese toestand gehou kan word. Die bobou moet goed geventileer wees ten einde toe te laat dat die vry vloei van lug na die put deur die pyp ontlugter word;

d) die opening deur die platblok moet van toereikende grootte wees om bevuiling te voorkom. Die rand moet gelig wees sodat vloeistowwe wat vir die was van die vloer gebruik word, nie in die put inloop nie. Dit moet toegerus wees met 'n deksel om te voorkom dat vlieë en ander insekte uitkom wanneer die toilet nie in gebruik is nie;

e) dit moet geleë wees op 'n plek wat onafhanklik van die wooneenheid is;

f) dit moet geleë wees op plekke wat toeganklik is vir padvoertuie met 'n breedte van 3.0 m ten einde die leegmaak van die put te vergemaklik;

g) in situasies waar daar 'n gevaar van besoedeling van 'n brugkanaal weens die deurlatendheid van die grond is, moet die put uitgevoer word met 'n ondeurlatende materiaal wat duursaam is en nie onder spanning sal kraak nie; en

h) in situasies waar die grond waarin die put uitgegrawe gaan word, onstabiel is, moet geskikte stut verskaf word om die instorting van die grond te voorkom.

132. Septiese tenks en behandelingsaanlegte

1. Die munisipaliteit kan, op sodanige voorwaardes wat hy mag voorskryf, die wegdoening van rioolvuil of ander uitvloeisel deur middel van septiese tenks of ander terreinrioolvuilbehandelingsaanlegte goedkeur.

2. 'n Septiese tenk of ander rioolvuilbehandelingsaanleg op 'n terrein mag nie nader as 3 meter van enige wooneenheid of aan enige grens van die perseel waarop dit geleë is, wees nie.
3. Uitvloeisel uit 'n septiese tenk of ander terreinrioolvuilbehandelingsaanleg moet tot voldoening van die munisipaliteit weggedoen word.
4. 'n Septiese tenk moet waterdig, stewig bedek en voorsien wees van 'n gasdigte wyse van toegang tot die binnekant wat toereikend is om die inspeksie van die inlaat- en uitlaatpype toe te laat en toereikend vir die doel van verwydering van slik is.
5. 'n Septiese tenk wat 'n wooneenheid bedien moet —

a) 'n inhoudsvermoë onder die vlak van die bodem van die uitlaatpyp van nie minder nie as 500 liter per slaapkamer hê, onderworpe aan 'n minimum inhoudsvermoë onder so 'n bodemvlak van 2 500 liter;
b) 'n interne breedte van nie minder nie as 1 meter hê, reghoekig in die rigting van die vloei gemeet;
c) 'n interne diepte tussen die deksel en die bodem van die tenk van nie minder nie as 1,7 meter hê; en
d) vloeistof op 'n diepte van nie minder nie as 1,4 meter terughou.

6. Septiese tenks wat 'n ander perseel as 'n wooneenheid bedien, moet ontwerp en gesertifiseer wees deur 'n professionele siviele Tegniese Bestuurder wat as 'n lid van die Tegniese Bestuurdersraad van Suid-Afrika geregistreer is.
7. Geen ander reënwater, stormwater of uitvloeisel as wat deur die munisipaliteit goedgekeur is, mag in 'n septiese tenk uitgelaat word nie.

133. Stapelriole

1. Die munisipaliteit kan, op sodanige voorwaardes wat hy mag voorskryf met inagneming van die hoeveelheid en aard van die uitvloeisel en die aard van die grond soos bepaal deur die deurlatendheidstoets wat deur die Suid-Afrikaanse Buro van Standaarde voorgeskryf word, die wegdoening van afvalwater of ander uitvloeisel deur middel van stapelriole, weekputte of ander goedgekeurde werke goedkeur.
2. 'n Stapelriool, weekput of ander soortgelyke werk mag nie nader as 5 m aan enige wooneenheid of enige persoon waarop dit geleë is wees nie, en ook nie in 'n posisie wat, na die mening van die munisipaliteit, kontaminasie kan veroorsaak van 'n boorgat of ander waterbron wat vir drinkdoeleindes gebruik word of gebruik kan word nie, of vogtigheid in enige gebou kan veroorsaak nie.
3. Die afmetings van 'n stapelriool, weekput of ander soortgelyke werk moet bepaal word in verhouding tot die absorberende eienskappe van die grond en die aard van hoeveelheid van die uitvloeisel.
4. Stapelriole wat 'n ander perseel as 'n woonhuis bedien, moet ontwerp en gesertifiseer word deur 'n professionele siviele Tegniese Bestuurder wat as 'n lid van die Tegniese Bestuurdersraad van Suid-Afrika geregistreer is.

134. Riooltenks

1. Die munisipaliteit kan, op sodanige voorwaardes wat hy kan voorskryf, die bou van 'n riooltenk en aanvullende toestelle vir die terughou van rioolvuil of uitvloeisel goedkeur.
2. Geen ander reënwater, stormwater of uitvloeisel as wat deur die munisipaliteit goedgekeur is, mag in 'n riooltenk uitgelaat word nie.
3. Geen riooltenk mag as sodanig gebruik word nie, tensy —

a) die bodem van die tenk teen 'n helling van nie minder nie as 1 in 10 na die uitlaat afloop;

b) die tenk gas- en waterdig is;

c) die tenk 'n uitlaatpyp, met 'n binnediameter van 100 mm, van gegote yster, gietyster of ander goedgekeurde materiaal gemaak en, tensy andersins deur die munisipaliteit goedgekeur, eindig in 'n goedgekeurde klep en toebehore vir aansluiting by die munisipaliteit se verwyderingsvoertuie het;

d) die klep en toebehore wat in paragraaf (c) bedoel word of die uitlaatent van die pyp, na gelang van die geval, geleë is in 'n kamer wat 'n skarnierdeksel het wat deur die Tegniese Bestuurder goedgekeur is en wat geleë is in 'n posisie wat deur die munisipaliteit vereis word;

e) toegang tot die opgaartenk voorsien is deur middel van 'n goedgekeurde mangat met 'n verwyderbare gietysterdeksel wat onmiddellik bo die sigbare tap van die inlaatpyp geplaas is.

4. Die munisipaliteit kan, met inagneming van die posisie van die opgaartenk of van die aansluitingspunt van 'n verwyderingsvoertuig, van die eienaar of klant vereis om, as 'n voorwaarde vir die leegmaak van die tenk, die munisipaliteit skriftelik te vrywaar teen enige aanspreeklikheid vir enige skade wat kan voortspruit uit die lewering van daardie diens.

5. Waar die munisipaliteit se verwyderingsvoertuig oor 'n private perseel moet gaan vir die leegmaak van 'n riooltenk, moet die eienaar 'n pad van minstens 3,5 m breed, so hard gemaak dat dit 'n wiellas van 4 metrieke ton in alle weerstoestande kan weerstaan, voorsien, en toesien dat geen hek waardeur die voertuig moet gaan om by die tenk uit te kom minder as 3,5 m breed vir sodanige doeleindes is nie.

6. Die eienaar of okkupeerder van 'n perseel waarop 'n riooltenk geïnstalleer word moet te alle tye die tenk in 'n goeie toestand tot voldoening van die munisipaliteit in stand hou.

135. Werking en instandhouding van terreinsanitasiedienste

Die werking en instandhouding van terreinsanitasiedienste en alle koste wat daaraan verbonde is, bly die verantwoordelikheid van die eienaar van die perseel, tensy die terreinsanitasiedienste gesubsidieerde dienste is wat ooreenkomstig die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering bepaal is.

136. Ongebruikte riool- en septiese tenks

Indien 'n bestaande riooltenk of septiese tenk nie meer vir die opgaar of behandeling van rioolvuil nodig is nie, of indien toestemming vir die gebruik daarvan teruggetrek word, moet die eienaar dit óf heeltemal laat verwyder óf dit heeltemal met grond of ander geskikte materiaal laat opvul, met dien verstande dat die Tegniese Bestuurder kan vereis dat daar op 'n ander manier met 'n tenk gehandel word, of die gebruik daarvan vir ander doeleindes goedgekeur, onderworpe aan enige voorwaardes wat deur hom gespesifiseer word.

Deel 6: Nywerheidsuitvloeisel

137. Goedkeuring vir uitlaat van nywerheidsuitvloeisel

1. Geen persoon mag nywerheidsuitvloeisel uitlaat of toelaat of veroorsaak dat nywerheidsuitvloeisel in die sanitasiestelsel uitgelaat word nie, behalwe met die goedkeuring van die munisipaliteit.

2. 'n Persoon moet op die voorgeskrewe vorm wat as Skedule B by hierdie verordeninge aangeheg is, aansoek doen om goedkeuring vir die wegdoening van nywerheidsuitvloeisel in die munisipaliteit se sanitasiestelsel.

3. Die munisipaliteit kan, indien na sy mening die vermoë van die sanitasiestelsel afdoende is om die vervoer en effektiewe behandeling en wettige wegdoening van die nywerheidsuitvloeisel toe te laat, vir sodanige tydperk en onderworpe aan sodanige

voorwaardes wat hy mag stel, die uitlaat van nywerheidsuitvloeisel in die sanitasiestelsel goedkeur.

4. 'n Persoon wat 'n gebou wil bou of laat bou wat as 'n handelsperseel gebruik gaan word, moet ten tye van die indiening van 'n bouplan ingevolge artikel 4 van die Wet op die Nasionale Bouregulasies en Boustandaarde, no. 103 van 1977, ook aansoeke om die verskaffing van sanitasiedienste en vir goedkeuring van die uitlaat van nywerheidsuitvloeisel indien.

138. Terugtrek van goedkeuring vir uitlaat van nywerheidsuitvloeisel

1. Die munisipaliteit kan enige goedkeuring aan 'n kommersiële klant, wat gemagtig is om nywerheidsuitvloeisel in die sanitasiestelsel uit te laat, terugtrek deur 14 (veertien) dae kennis te gee indien die klant —

a) versuim om te verseker dat die nywerheidsuitvloeisel wat uitgelaat word, voldoen aan die nywerheidsuitvloeiselstandaarde wat in Skedule A by hierdie verordeninge of die skriftelike toestemming wat in artikel 71 bedoel word, voorgeskryf word;

b) versuim of weier om te voldoen aan 'n kennisgewing wat wettiglik ingevolge hierdie verordeninge aan hom beteken is, of enige bepalings van hierdie verordeninge of enige voorwaarde wat gestel is ingevolge enige toestemming wat aan hom verleen is, oortree; of

c) versuim om die gelde ten opsigte van enige nywerheidsuitvloeisel wat uitgelaat is, te betaal.

2. Die munisipaliteit kan by terugtrekking van enige goedkeuring —

a) benewens enige stappe wat ingevolge hierdie verordeninge deur hom vereis word, en met 14 (veertien) dae skriftelike kennisgewing, die sluiting of afdigting van die aansluitriool van die genoemde perseel magtig; en

b) weier om enige nywerheidsuitvloeisel op te vang totdat hy tevrede is dat toereikende stappe gedoen is om te verseker dat die nywerheidsuitvloeisel wat uitgelaat gaan word, voldoen aan die standaarde wat deur hierdie verordeninge vereis word.

139. Gehaltestandaarde vir wegdoening van nywerheidsuitvloeisel

1. 'n Kommersiële klant aan wie goedkeuring verleen is, moet toesien dat geen nywerheidsuitvloeisel in die sanitasiestelsel van die munisipaliteit uitgelaat word nie tensy dit voldoen aan die standaarde en maatstawwe wat in Skedule A uiteengesit word.

2. Die munisipaliteit kan, wanneer hy sy goedkeuring gee, die standaarde in Skedule A verslap of wysig, mits hy tevrede is dat enige verslapping die beste praktiese omgewingsopsie verteenwoordig.

3. By die vasstelling of verslapping of wysiging van die standaarde in Skedule A die beste praktiese omgewingsopsie verteenwoordig, moet 'n munisipaliteit dit oorweeg —

a) of die kommersiële klant se onderneming teen optimale vlakke bedryf en in stand gehou word;

b) of tegnologie wat deur die kommersiële klant gebruik word die beste is wat tot die kommersiële klant se bedryf beskikking is en, indien nie, of die installering van die beste tegnologie onredelike onkoste vir die klant kan meebring;

c) of die kommersiële klant 'n program van afvalminimalisering implementeer wat voldoen aan nasionale afvalminimaliseringstandaarde wat ooreenkomstig nasionale wetgewing gestel is;

d) wat die koste van die toestaan van die verslapping of wysiging vir die munisipaliteit sal wees; en

e) wat die omgewingsimpak of praktiese impak van die verslapping of wysiging sal wees.

4. Toetsmonsters kan te eniger tyd deur 'n behoorlik gekwalifiseerde monsternemer geneem word om vas te stel of die nywerheidsuitvloeisel voldoen aan Skedule A of enige ander standaard wat as 'n voorvereiste vir die toestaan van goedkeuring neergelê is.

140. Voorwaardes vir die uitlaat van nywerheidsuitvloeisel

1. Die munisipaliteit kan by die verleen van goedkeuring vir die uitlaat van nywerheidsuitvloeisel, of te eniger tyd wat hy gepas ag, by kennisgewing van 'n kommersiële klant vereis om —

a) die nywerheidsuitvloeisel aan sodanige voorlopige behandeling te onderwerp as wat na die mening van die munisipaliteit sal verseker dat die nywerheidsuitvloeisel voldoen aan die standaarde wat in Skedule A voorgeskryf word voordat dit in die sanitasiestelsel uitgelaat word;

b) om effeningstenks, kleppe, pompe, toestelle, meters en ander toerusting te installeer wat, na die mening van die munisipaliteit, nodig sal wees om die uitlaattempo en -tyd in die sanitasiestelsel te beheer ooreenkomstig die voorwaardes wat deur hom gestel is;

c) vir die vervoer van die nywerheidsuitvloeisel in die sanitasiestelsel op 'n gegewe punt 'n perseelrioolinstallasie afsonderlik van die perseelrioolinstallasie vir ander rioolvuil te installeer, en kan 'n kommersiële klant verbied om sy nywerheidsuitvloeisel by enige ander punt weg te doen;

d) 'n pyp wat sy nywerheidsuitvloeisel na 'n riool, 'n dienstoegangsgat of afsluitklep vervoer, in so 'n posisie en van sulke afmetings en materiaal as wat die munisipaliteit mag voorskryf, te bou;

e) alle inligting te verskaf wat deur die munisipaliteit vereis mag word om hom in staat te stel om die tariewe of gelde wat aan die munisipaliteit verskuldig is, te skat;

f) toereikende fasiliteite te verskaf, insluitende, maar nie beperk nie tot, vlak- of oorloopverkliktoestelle, reserwe-toerusting, oorloopopvangputte of ander gepaste maniere om 'n uitlaat in die sanitasiestelsel strydig met hierdie verordeninge te voorkom;

g) enige meter, ykinstrument of ander toestel wat ingevolge hierdie artikel geïnstalleer is, deur 'n onafhanklike gesag op koste van die kommersiële klant te laat kalibreer met sodanige tussenposes as wat deur die munisipaliteit vereis kan word, en afskrifte van die kalibrering moet deur die kommersiële klant aan hom gestuur word; en

h) nywerheidsuitvloeisel so dikwels en op watter manier die munisipaliteit ook al mag bepaal, te laat ontleed en aan hom die resultate van hierdie toetse te verskaf wanneer dit voltooi is.

2. Die koste van enige behandeling, aanleg, werk of ontleding wat ingevolge subartikel (1) van 'n persoon vereis word om te doen, te bou of te installeer, moet deur die betrokke kommersiële klant gedra word.

3. Indien nywerheidsuitvloeisel wat nie aan die standaarde in Skedule A voldoen nie en nie deur die munisipaliteit goedgekeur is nie, in die sanitasiestelsel uitgelaat word, moet die munisipaliteit binne twaalf uur na die uitlaat daarvan en van die redes daarvoor verwittig word.

Deel 7: Rioolvuil per padvervoer afgelewer

141. Aanvaarding van rioolvuil per padvervoer afgelewer

Die Tegniese Bestuurder kan, na sy goeddunke en onderworpe aan sodanige voorwaardes as wat hy mag spesifiseer, rioolvuil vir wegdoening opvang wat per padvervoer by die munisipaliteit se rioolvuilbehandelingsaanleg afgelewer word.

142. Goedkeuring van rioolvuil per padvervoer

1. Geen persoon mag rioolvuil per padvervoer aflewer ten einde dit in die munisipaliteit se rioolvuilbehandelingsaanlegte uit te laat nie, behalwe met die goedkeuring van die Tegniese

Bestuurder en onderworpe aan enige voorwaardes en op tye wat op redelike gronde deur hom gestel kan word.

2. Die gelde vir enige rioolvuil wat vir wegdoening by die munisipaliteit se rioolvuilbehandelingsaanlegte afgelewer word, moet deur die munisipaliteit ooreenkomstig die voorgeskrewe tarief van gelde geskat word.

143. Terugtrek van toestemming vir aflewering van rioolvuil per padvervoer

Die Tegniese Bestuurder kan enige goedkeuring wat ingevolge artikel 75 verleen is, terugtrek nadat hy minstens 14 (veertien) dae skriftelike kennis gegee het van sy voorneme om dit te doen, indien 'n persoon wat toegelaat is om rioolvuil per padvervoer uit te laat —

a) versuim om te verseker dat die rioolvuil voldoen aan die standaarde wat óf in Skedule A voorgeskryf word, óf 'n voorwaarde van goedkeuring is; of

b) versuim of weier om te voldoen aan enige kennisgewing wat ingevolge hierdie verordeninge aan hom beteken is of enige bepaling van hierdie verordeninge of enige voorwaarde wat as 'n voorwaarde van goedkeuring aan hom opgelê is, verbreek; en

c) versuim om alle gelde wat op die aflewering van rioolvuil van toepassing is, te betaal.

144. Voorwaardes vir die aflewering van rioolvuil per padvervoer

Wanneer rioolvuil per padvervoer afgelewer gaan word —

a) moet die tyd wanneer en die plek waar aflewering gaan plaasvind, in oorleg met die Tegniese Bestuurder gereël word; en

b) moet die Tegniese Bestuurder, voordat 'n aflewering kan plaasvind, tevrede wees dat die rioolvuil van 'n geskikte aard vir padvervoer is en dat die aflewering sal voldoen aan die bepalings van hierdie verordeninge.

Deel 8: Ander sanitasiedienste

145. Perdestalle en soortgelyke persele

Die munisipaliteit kan die aansluiting van 'n perseelrioolinstallasie by perdestalle, koeistalle, melkerye, hondeherberge, ander persele vir die huisvesting van diere en leerlooierye goedkeur, onderworpe aan die betaling van alle toepaslike gelde en die nakoming van enige voorwaarde wat die munisipaliteit mag stel; maar goedkeuring sal slegs gegee word indien —

a) die vloer van die perseel geplavei is met ondeurlatende materiaal wat deur die munisipaliteit goedgekeur is en skuins afloop na 'n slikvanger, vetvanger of rioolput met 'n toereikende inhoudsvermoë; en

b) elke deel van die vloer van die perseel bedek word met 'n dak, of ander beskermende toestel, op so 'n wyse dat die binnekoms van reën of stormwater in die perseelrioolinstallasie voorkom word.

146. Meganiese voedselafval- of ander wegdoeneenhede

Die munisipaliteit kan die aansluiting of insluiting van 'n meganiese voedselafvalwegdoeneenheid of afvalmeul by 'n perseelrioolinstallasie met 'n inhoudsvermoë van meer as 500W goedkeur, onderworpe aan die betaling van alle toepaslike gelde en op enige voorwaarde wat die munisipaliteit kan stel, maar goedkeuring sal slegs gegee word as —

a) 'n watermeter deur die munisipaliteit geïnstalleer is;

b) die Tegniese Bestuurder tevrede is dat die munisipaliteit se rioolvuil- en rioolvuilbehandelingstelsel nie nadelig beïnvloed sal word nie; en

c) die installering of insluiting aan die munisipaliteit se verordeninge betreffende elektrisiteit voldoen.

Deel 9: Installeringswerk

147. Goedkeuring van installeringswerk

1. Indien 'n eienaar installeringswerk gedoen wil hê, moet hy eers die munisipaliteit se skriftelike goedkeuring verkry.
2. Aansoek om die goedkeuring wat in subartikel (1) bedoel word, moet op die voorgeskrewe vorm geskied en moet vergesel gaan van —

a) 'n geld deur die munisipaliteit vasgestel, indien 'n geld vasgestel is, en

b) afskrifte van alle tekeninge wat vereis mag word en deur die munisipaliteit goedgekeur is;

c) 'n sertifikaat deur 'n professionele Tegniese Bestuurder wat sertifiseer dat die installasie ooreenkomstig enige toepaslike SANS-kodes ontwerp is.

3. Goedkeuring gegee ingevolge subartikel (1) verval na 24 (vier en twintig) maande.
4. Wanneer goedkeuring ingevolge subartikel (1) gegee is, moet 'n volledige stel tekeninge wat deur die munisipaliteit vereis en goedgekeur is, te alle redelike tye by die terrein ter insae beskikbaar wees totdat die werk voltooi is.
5. Indien installeringswerk strydig met subartikel (1) of (2) gedoen is, kan die munisipaliteit van die eienaar vereis —

a) om die teenstrydigheid binne 'n gespesifiseerde tyd reg te stel;

b) indien werk aan die gang is, om die werk te staak; en

c) om alle werk te verwyder wat nie aan hierdie verordeninge voldoen nie.

148. Persone toegelaat om installerings- en ander werk te doen

1. Geen persoon wat nie 'n loodgieter is of onder die beheer van 'n loodgieter werk nie, word toegelaat om —

a) installeringswerk te doen, behalwe die vervanging of herstel van 'n bestaande pyp of sanitasietoebehoorsel;

b) 'n perseelrioolinstallasie, brandinstallasie of opgaartenk te inspekteer, te ontsmet en te toets;

c) 'n terugvloeisperder te versien, te herstel of te vervang; of

d) 'n meter wat deur 'n eienaar van 'n perseelrioolinstallasie verskaf is, te installeer, in stand te hou of te vervang.

2. Geen persoon mag van 'n persoon wat nie 'n loodgieter is nie vereis, of hom in diens neem, om werk te doen wat in subartikel (1) bedoel word.
3. Nieteenstaande die bepalings van subartikel (1) en (2), kan die munisipaliteit 'n persoon wat nie 'n loodgieter is nie, toelaat om installeringswerk op sy eie perseel te doen as dit deur hom of sy eie huishouding geokkupeer word, maar indien toestemming gegee word, moet die werk geïnspekteer en goedgekeur word deur 'n loodgieter onder die leiding van, of wat aangestel is deur, die Tegniese Bestuurder.

149. Gebruik van pype en watertoebehore moet gemagtig word

1. Geen persoon mag, sonder die vooraf skriftelike magtiging van die Tegniese Bestuurder, 'n pyp of watertoebehoorsel in 'n waterinstallasie binne die munisipaliteit se regsgebied

installeer of gebruik nie, tensy dit ingesluit is by die Skedule van Goedgekeurde Pype en Toebehore wat deur die munisipaliteit saamgestel is.

2. Aansoek om die insluiting van 'n pyp of watertoebehoorsel by die Skedule wat in subartikel (1) bedoel word, moet gedoen word op die vorm wat deur die munisipaliteit voorgeskryf is.
3. 'n Pyp of watertoebehoorsel kan ingesluit word by die Skedule wat in subartikel (1) bedoel word, indien —

a) dit die standaardisasiemerk van die Suid-Afrikaanse Buro van Standaarde op het ten opsigte van die toepaslike SANS-spesifikasie deur die Buro uitgereik; of

b) dit 'n sertifiseringsmerk op het wat deur die SANS uitgereik is om te sertifiseer dat die pyp of watertoebehoorsel voldoen aan —

i) 'n SANS-merkspesifikasie; of

ii) 'n voorlopige spesifikasie deur die SANS uitgereik;

c) ingesluit is by die lys van water- en sanitasie-installasies wat deur JASWIC aanvaar word.

d) Geen sertifiseringsmerk is vir 'n tydperk van meer as twee jaar geldig nie.

4. Die munisipaliteit kan enige bykomende voorwaarde stel wat hy nodig ag met betrekking tot die gebruik of installasiemetode van enige pyp of watertoebehoorsel wat by die Skedule ingesluit is.
5. 'n Pyp of sanitasietoebehoorsel moet uit die Skedule verwyder word as dit —

a) nie meer voldoen aan die maatstawwe waarop die insluiting daarvan gebaseer is nie; of

b) nie meer geskik is vir die doel waarvoor dit aanvaar is nie.

6. Die huidige Skedule moet te eniger tyd gedurende werkure by die kantoor van die munisipaliteit ter insae beskikbaar wees.
7. Die munisipaliteit kan afskrifte van die huidige Skedule verkoop teen 'n geld wat deur hom vasgestel is.

150. Toets van perseelrioolinstallasies

1. Geen perseelrioolinstallasie, of enige deel van een, mag by terreinsanitasiedienste aangesluit word nie en die munisipaliteit se sanitasiestelsel mag ook nie by 'n bestaande goedgekeurde installasie aangesluit word nie, tensy een of meer van die volgende toetse in die teenwoordigheid en tot voldoening van die Tegniese Bestuurder toegepas is voordat die perseelrioolinstallasie toegemaak is:

a) die binnekant van elke pyp of reeks pype tussen twee punte van toegang moet regdeur sy lengte met behulp van 'n spieël en 'n ligbron geïnspekteer word, en gedurende die inspeksie moet 'n volle sirkel lig deur die waarnemer gesien kan word, en die pyp of reeks pype moet as onversper gesien word;

b) 'n gladde bal met 'n diameter van 12mm minder as die nominale diameter van die pyp moet, wanneer dit by die hoër ent van die pyp ingesteek word, sonder hulp of onderbreking tot by die laer ent afrol;

c) nadat alle openings na die pyp of reeks pype wat getoets gaan word, nadat dit toegestop of afgedig is en nadat alle sperders wat daarmee gepaard gaan, met water gevul is, moet lug in die pyp of pype gepomp word totdat 'n manometriese druk van 38mm water aangedui word, waarna die druk vir 'n tydperk van ten minste 3 (drie minute) sonder verdere pomp groter moet bly as 25mm water; en

d) alle dele van die installasie moet onderwerp word aan en vereis word om 'n intern toegepaste hidrouliese toetsdruk van nie minder nie as 3m drukhoogte water vir 'n tydperk van nie minder nie as 10 minute te weerstaan.

2. Indien die munisipaliteit rede het om te glo dat enige perseelrioolinstallasie of enige deel daarvan defektief geword het, kan hy van die eienaar van 'n perseel vereis om enige of al die toetse te doen wat in subartikel (1) voorgeskryf word en, indien die installasie enige toets, of al die toetse, nie tot voldoening van die munisipaliteit kan slaag nie, kan die munisipaliteit by kennisgewing van die eienaar vereis om alle redelike maatreëls te tref wat nodig kan wees om die installasie aan enige of almal te laat voldoen.

151. Wateraanvraagbestuur

1. Nieteenstaande die bepalings van artikels 92 en 113, mag geen spoelurinaal wat nie gebruikergeaktiveer is nie, geïnstalleer of toegelaat word om in 'n waterinstallasie bedryf te word nie. Alle nie-gebruikergeaktiveerde spoelurinale wat voor die inwerkingtreding van hierdie regulasies geïnstalleer word, moet binne twee jaar na die inwerkingtreding van hierdie verordeninge in gebruikergeaktiveerde urinale omskep word.
2. Geen spoelbak en geen gepaardgaande pan wat ontwerp is om saam met sodanige spoelbak te werk mag met 'n spoelbakvermoë van groter as 9 liter geïnstalleer word nie en alle spoelbakke wat nie vir openbare gebruik bedoel is nie, moet toegerus wees met spoeltoestelle wat onderbreekbare of veelvuldige spoele toelaat, met dien verstande dat sodanige spoeltoestel nie vereis word in spoelbakke met 'n inhoudsvermoë van 4,5 liter of minder nie.

HOOFSTUK 6: WATERDIENSTETUSSENGANGERS

152. Registrasie

Die munisipaliteit kan by openbare kennisgewing van waterdienstetussengangers of klasse waterdienstetussengangers vereis om by die munisipaliteit te registreer op 'n wyse wat in die openbare kennisgewing gespesifiseer word.

153. Verskaffing van waterdienste

1. Waterdienstetussengangers moet verseker dat die waterdienste, insluitende basiese dienste soos deur die munisipale raad bepaal, verskaf word aan sodanige persone aan wie hy verplig is om waterdienste te verskaf.
2. Die gehalte, hoeveelheid en volhoubaarheid van waterdienste wat deur 'n waterdienstetussenganger verskaf word, moet voldoen aan enige minimum standaarde wat ingevolge die Wet voorgeskryf word, en moet minstens van dieselfde standaarde wees as wat deur die munisipaliteit aan klante verskaf word.

154. Gelde vir waterdienste verskaf

1. 'n Waterdienstetussenganger mag nie 'n prys vir waterdienste vra wat nie voldoen aan enige norme wat kragtens die Wet voorgeskryf word en enige bykomende norme en standaarde wat deur die munisipaliteit gestel kan word nie.
2. (2) 'n Waterdienstetussenganger moet gesubsidieerde waterdienste verskaf, soos van tyd tot tyd deur die munisipale raad ingevolge die munisipaliteit se verordeninge betreffende kredietbeheer en skuldinvordering bepaal en deur die munisipaliteit aan klante verskaf word teen 'n prys wat dieselfde of minder is as die gelde waarteen die munisipaliteit sodanige dienste verskaf.

HOOFSTUK 7: ONGEMAGTIGDE WATERDIENSTE

155. Ongemagtigde dienste

1. Geen persoon mag toegang tot waterdienste kry nie tensy dit ingevolge 'n ooreenkoms is wat met die munisipaliteit vir die lewering van daardie dienste aangegaan is.
2. Die munisipaliteit kan, ongeag enige ander stappe wat hy teen 'n persoon ingevolge hierdie verordeninge kan doen, by skriftelike kennisgewing 'n persoon wat ongemagtigde dienste gebruik gelas om —

a) aansoek om sulke dienste ingevolge artikels 2 en 3 te doen; en

b) enige werk te doen wat nodig mag wees om te verseker dat die klantinstallasie waardeur toegang verkry is, aan die bepalings van hierdie en enige ander toepaslike verordeninge voldoen.

156. Inmenging met infrastruktuur vir die verskaffing van waterdienste

1. Geen persoon buiten die munisipaliteit mag infrastruktuur waardeur waterdienste verskaf word, voorsien en in stand hou nie.
2. Geen persoon buiten die munisipaliteit mag 'n aansluiting aan infrastruktuur waardeur waterdienste verskaf word, bewerkstellig nie.
3. Die munisipaliteit kan enige koste wat met die herstel van skade gepaard gaan wat as gevolg van 'n oortreding van subartikels (1) en (2) veroorsaak is, verhaal. Die koste wat deur die munisipaliteit verhaalbaar is, is die volle koste wat met die herstel van die skade gepaard gaan en sluit in, maar is nie beperk nie tot, enige verkennende ondersoek, opmetings, planne, spesifikasies, hoeveelheidslyste, toesig, administrasiekoste, die gebruik van werktuie, die uitgawe aan arbeid wat betrokke is by die versteuring of rehabilitasie van enige deel van 'n straat of grond wat deur die herstel beïnvloed is en die omgewingskoste.

157. Versperring van toegang tot infrastruktuur vir die verskaffing van waterdienste

1. Geen persoon mag fisiese toegang tot infrastruktuur waardeur munisipale waterdienste voorsien word, verhoed of versper nie.
2. Indien 'n persoon subartikel (1) oortree, kan die munisipaliteit —

a) by skriftelike kennisgewing so 'n persoon gelas om binne 'n gespesifiseerde tydperk op sy eie koste toegang te herstel; of

b) indien hy van mening is dat die situasie 'n saak van dringendheid is, sonder vooraf kennisgewing toegang herstel en die koste op sodanige persoon verhaal.

3. Die koste deur die munisipaliteit verhaalbaar is die volle koste wat met die herstel van die toegang gepaard gaan en sluit in, maar is nie beperk nie tot, enige verkennende ondersoek, opmetings, planne, spesifikasies, hoeveelheidslyste, toesig, administrasiekoste, die gebruik van werktuie, die uitgawe aan arbeid wat betrokke is by die versteuring of rehabilitasie van enige deel van 'n straat of grond wat deur die herstel van toegang beïnvloed is en die omgewingskoste.

158. Verkwisting van water

1. Geen klant mag toelaat dat —

a) water doelloos of verkwistend uit terminaalwatertoebehore uitgelaat word nie;

b) pype of watertoebehore lek nie;

c) wanaangepaste of defektiewe watertoebehore gebruik word nie; of

d) 'n oorloop van water volgehou word nie.

2. 'n Eienaar moet enige deel van sy water- en sanitasie-installasie wat in so 'n swak toestand is dat dit 'n voorval wat in subartikel (1) genoem word, veroorsaak of waarskynlik sal veroorsaak, vervang.
3. Indien 'n eienaar versuim om maatreëls te tref soos in subartikel (2) beoog, moet die munisipaliteit, by skriftelike kennisgewing, die eienaar gelas om aan die bepalings van subartikel (1) te voldoen.
4. Die munisipaliteit kan, by skriftelike kennisgewing, die gebruik van enige toerusting in 'n water- of sanitasie-installasie deur 'n klant verbied indien, na sy mening, sy gebruik van water ondoeltreffend is. Sodanige toerusting mag nie weer gebruik word nie tensy die doeltreffendheid daarvan herstel is en 'n skriftelike aansoek om aldus te doen deur die munisipaliteit goedgekeur is.

159. Ongemagtigde en onwettige uitlaat

1. Geen persoon mag rioolvuil regstreeks of onregstreeks in 'n stormwaterriool, rivier, stroom of ander waterstroom, hetsy natuurlik of kunsmatig, uitlaat of laat uitlaat of toelaat dat dit uitgelaat word nie.
2. Die eienaar of okkupeerder van 'n perseel waarop stoom of ander vloeistof behalwe drinkbare water opgegaar, verwerk of gegenereer word, moet alle fasiliteite verskaf wat nodig is om 'n uitlaat of lekkasie van sodanige vloeistof in 'n straat, stormwaterriool of waterloop, hetsy natuurlik of kunsmatig, te voorkom, behalwe waar, in die geval van stoom, die munisipaliteit sodanige uitlaat goedgekeur het.
3. Waar die afspuit of afspoel van 'n oop gebied deur reënwater na die mening van die munisipaliteit waarskynlik die uitlaat van aanstootlike stowwe in 'n straat, stormwaterriool, rivier, stroom of ander waterloop, hetsy natuurlik of kunsmatig, sal veroorsaak, of die besoedeling van enige sodanige waterloop sal veroorsaak of daartoe sal bydra, kan die munisipaliteit, by kennisgewing, die eienaar van die perseel gelas om redelike maatreëls te tref om sodanige uitlaat of besoedeling te voorkom of te minimaliseer.
4. Geen persoon mag die volgende uitlaat of laat uitlaat of toelaat dat dit uitgelaat word nie:

a) enige stof behalwe rioolvuil, insluitende stormwater, in 'n perseelrioolinstallasie;

b) water uit 'n swembad regstreeks of onregstreeks oor enige pad of in 'n geut, stormwaterriool, waterloop, oop grond of privaat perseel behalwe die perseel van die eienaar van so 'n swembad;

c) water uit kunsmatige fonteine, reservoirs of swembaddens wat op 'n perseel geleë is, in 'n perseelrioolinstallasie, sonder die goedkeuring van die munisipaliteit en onderworpe aan die betaling van toepaslike gelde en sodanige voorwaardes wat die munisipaliteit kan stel;

d) enige rioolvuil, nywerheidsuitvloeisel of ander vloeistof of stof wat —

i) na die mening van die Tegniese Bestuurder skadelik vir die publiek kan wees of 'n oorlas vir die publiek kan veroorsaak;

ii) in die vorm van stoom of damp is of 'n temperatuur het wat 44° C oorskry by die punt waar dit die riool binnegaan;

iii) pH-waarde van minder as 6.0 het;

iv) waarskynlik 'n stof van watter aard hoegenaamd bevat wat plofbare, vlambare, giftige of skadelike gasse of dampe in enige riool kan voortbring of vrylaat;

v) 'n stof bevat wat 'n oop flitspunt van minder as 93°C het of 'n giftige damp teen 'n temperatuur van laer as 93° C vrystel;

vi) 'n stof van watter aard hoegenaamd, insluitende olie, vet of detergente, bevat wat 'n versperring vir die vloei in riole of perseelriole of inmenging met die behoorlike werking van 'n rioolvuilbehandelingswerke kan veroorsaak;

vii) enige sigbare tekens van teer of verwante produkte of distillate, bitumen of asfalt toon;

viii) 'n stof in sulke konsentrasies bevat dat dit 'n ongewenste smaak na chlorering of 'n onwenslike reuk of kleur, of oormatige skuim kan voortbring;

ix) óf 'n groter PV of COD(Chemiese Suurstofbehoefte)-waarde, 'n laer pH-waarde of 'n hoër bytalkaliniteit of elektriese geleivermoë het as wat in Skedule A gespesifiseer word, sonder die vooraf goedkeuring en onderworpe aan die betaling van toepaslike gelde en sodanige voorwaardes as wat die munisipaliteit kan stel;

x) 'n stof bevat wat na die mening van die Tegniese Bestuurder —

(aa) nie by die rioolvuilbehandelingswerke waarheen dit uitgelaat kon word, behandel kan word nie; of

(bb) die behandelingsprosesse by die rioolvuilbehandelingswerke waarheen dit uitgelaat kon word, negatief sal beïnvloed; of

(cc) 'n negatiewe impak sal hê op die vermoë van die rioolvuilbehandelingswerke om uitlate te produseer wat sal voldoen aan die afvalwateruitlaatstandaarde wat ingevolge die Nasionale Waterwet, 1998 (Wet no. 36 van 1998) gestel is; of

i) hetsy alleen of in kombinasie met 'n ander stof —

(aa) 'n toksiese stof genereer of uitmaak wat gevaarlik is vir die gesondheid van mense wat by die rioolvuilbehandelingswerke werk of die raad se riole of mangate in die loop van hulle pligte binnegaan; of

(bb) skadelik is vir riole, behandelingsaanlegte of grond wat vir die wegdoening van behandelde afvalwater gebruik word; of

(cc) enige van die prosesse waarvolgens rioolvuil behandel word of enige hergebruik van rioolvuiluitvloeisel nadelig beïnvloed.

5. Geen persoon mag die opeenhoping van vet, olie of vaste stof in enige perseelrioolinstallasie veroorsaak of toelaat wat die effektiewe funksionering daarvan nadelig sal beïnvloed nie.

6. Die munisipaliteit kan, nieteenstaande enige ander stappe wat ingevolge hierdie verordeninge gedoen kan word, op enige persoon wat nywerheidsuitvloeisel of 'n stof wat ongemagtig of onwettig is uitlaat, alle koste wat deur die munisipaliteit as gevolg van sodanige uitlaat aangegaan word, verhaal, insluitende koste wat spruit uit —

a) besering van persone, skade aan die sanitasiestelsel; of

b) 'n vervolging ingevolge die Nasionale Waterwet, 1998 (Wet no. 36 van 1998).

160. Onwettige heraansluiting

'n Klant wie se toegang tot watervoorsieningsdienste ingekort of gestaak is en wat daardie dienste opsetlik heraansluit of wat opsetlik of nalatig inmeng met infrastruktuur waardeur watervoorsieningsdienste verskaf word, se dienste sal met skriftelike kennisgewing gestaak word.

161. Inmenging met infrastruktuur

1. Geen persoon mag onwettig of opsetlik of nalatig inmeng met infrastruktuur waardeur die munisipaliteit munisipale dienste verskaf nie.

2. Indien 'n persoon subartikel (1) oortree, kan die munisipaliteit —

a) by skriftelike kennisgewing so 'n persoon gelas om die inmenging op sy eie koste binne 'n gespesifiseerde tydperk te staak of reg te stel; of

b) indien hy van mening is dat die situasie 'n saak van dringendheid is, sonder vooraf kennisgewing die inmenging regstel en die koste op sodanige persoon verhaal.

162. Pype in strate of openbare plekke

Geen persoon mag vir die doel van vervoer van water of rioolvuil uit watter bron ook al afkomstig, 'n pyp of gepaardgaande komponent op, in of onder 'n straat, openbare plek of ander grond wat aan 'n munisipaliteit behoort of onder sy beheer is, lê of bou nie, behalwe met die voorafverkreë skriftelike toestemming van die munisipaliteit en onderworpe aan sodanige voorwaardes wat hy kan stel.

163. Gebruik van water uit ander bronne as die watertoevoerstelsel

1. Geen persoon mag water wat uit 'n ander bron as die watertoevoerstelsel verkry is, behalwe reënwatertenks wat nie by die waterinstallasie aangesluit is nie, gebruik of die gebruik daarvan toelaat nie, behalwe met die voorafverkreë goedkeuring van die Tegniese Bestuurder en ooreenkomstig sodanige voorwaardes wat hy kan stel vir huishoudelike, kommersiële of nywerheidsdoeleindes.
2. 'n Persoon wat die toestemming wil hê wat in subartikel (1) bedoel word, moet die Tegniese Bestuurder voorsien van bewys wat hom tevrede stel dat die water wat in subartikel (1) bedoel word, hetsy as gevolg van behandeling of andersins, voldoen aan die vereistes van SANS 241: Drinkwater, of dat die gebruik van sodanige water nie 'n gevaar vir gesondheid uitmaak of sal uitmaak nie.
3. Enige toestemming wat ingevolge subartikel (1) gegee word, kan teruggetrek word indien, na die mening van die Tegniese Bestuurder —

a) 'n voorwaarde wat ingevolge subartikel (1) gestel word, verbreek is; of

b) die watergehalte nie meer voldoen aan die vereistes wat in subartikel (2) bedoel word nie.

4. Die Tegniese Bestuurder kan monsters neem van water wat uit 'n ander bron as die watervoorsieningstelsel verkry is en kan die monsters laat toets vir voldoening aan die vereistes wat in subartikel (2) bedoel word.
5. Die vasgestelde geld vir die neem en toets van die monsters wat in subartikel (4) bedoel word, moet betaal word deur die persoon aan wie toestemming ingevolge subartikel (1) verleen is.
6. Indien water wat uit 'n boorgat of ander voorraadbron op 'n perseel verkry word, gebruik word vir 'n doel wat aanleiding gee tot die uitlaat van sodanige water of 'n deel daarvan in die munisipaliteit se rioolstelsel, kan die munisipaliteit 'n meter installeer in die pyp wat van sodanige boorgat of ander voorraadbron lei na die punt of punte waar dit aldus gebruik gaan word.
7. Die bepalings van artikel 20 geld in soverre dit van toepassing kan wees ten opsigte van die meetinstrument wat in subartikel (4) bedoel word.

164. Gebruik van terreinsanitasiedienste wat nie by die sanitasiestelsel aangesluit is nie

1. Geen persoon mag terreinsanitasiedienste wat nie by die munisipaliteit se sanitasiestelsel aangesluit is, gebruik of die gebruik daarvan toelaat nie, behalwe met die voorafverkreë goedkeuring van die Tegniese Bestuurder en ooreenkomstig sodanige voorwaardes wat hy kan stel vir huishoudelike, kommersiële en nywerheidsdoeleindes.
2. 'n Persoon wat die toestemming wil hê wat in subartikel (1) bedoel word, moet die Tegniese Bestuurder voorsien van bewys wat hom tevrede stel dat die sanitasiefasiliteit waarskynlik nie 'n nadelige uitwerking op gesondheid of die omgewing sal hê nie.
3. Enige toestemming wat ingevolge subartikel (1) gegee word, kan teruggetrek word indien, na die mening van die Tegniese Bestuurder –

a) 'n voorwaarde wat ingevolge subartikel (1) gestel is, verbreek is; of

b) die sanitasiefasiliteit 'n nadelige uitwerking op gesondheid of die omgewing het.

4. Die Tegniese Bestuurder kan sodanige ondersoeke doen wat hy nodig mag ag om te bepaal of 'n sanitasiefasiliteit 'n nadelige uitwerking op gesondheid of die omgewing het.

5. Die persoon aan wie toestemming ingevolge subartikel (1) gegee is, is aanspreeklik vir die koste wat gepaard gaan met 'n ondersoek ingevolge subartikel (2) as die resultaat van die ondersoek daarop dui dat die sanitasiefasiliteit 'n nadelige uitwerking op gesondheid of die omgewing het.

HOOFSTUK 8: KENNISGEWINGS

165. Bevoegdheid om te beteken en voldoening aan kennisgewings

1. Die munisipaliteit kan, by skriftelike kennisgewing, 'n eienaar, klant of enige ander persoon wat deur handeling of late versuim om aan die bepalings van hierdie verordeninge te voldoen of enige voorwaarde na te kom wat daarin gestel is, gelas om sy versuim reg te stel binne 'n tydperk wat in die kennisgewing gespesifiseer word, welke kennisgewing nie minder as dertig dae mag wees nie, behalwe waar 'n kennisgewing ingevolge artikel 18 uitgereik is, wanneer die tydperk nie minder as sewe dae mag wees nie.
2. Indien 'n persoon versuim om binne die gespesifiseerde tydperk te voldoen aan 'n skriftelike kennisgewing wat ingevolge hierdie verordeninge deur die munisipaliteit aan hom beteken is, kan die munisipaliteit sodanige stappe doen wat na sy mening nodig is om voldoening te verseker, insluitende —

a) om die nodige werk self te doen en die koste van sodanige stappe of werk op die eienaar, verbruiker of ander persoon te verhaal;

b) om die verskaffing van dienste te beperk of te staak; en

c) om regstappe in te stel.

3. 'n Kennisgewing ingevolge subartikel (1) moet —

a) besonderhede verstrek van enige bepaling van die verordeninge waaraan nie voldoen is nie;

b) die eienaar, verbruiker of ander persoon 'n redelike geleentheid gee om binne 'n gespesifiseerde tydperk vertoë te rig en sy saak skriftelik aan die munisipaliteit te stel, tensy die eienaar, verbruiker of ander persoon so 'n geleentheid gegee is voordat die kennisgewing uitgereik is;

c) die stappe spesifiseer wat die eienaar, verbruiker of ander persoon moet doen om die versuim om te voldoen na te kom;

d) die tydperk spesifiseer waarbinne die eienaar, verbruiker of ander persoon die gespesifiseerde stappe moet doen om sodanige versuim reg te stel; en

e) aandui dat die munisipaliteit —

   i. enige werk kan onderneem wat nodig is om 'n versuim om aan 'n kennisgewing te voldoen, reg te stel en die koste vir die munisipaliteit van regstelling op die eienaar, verbruiker of ander persoon wat versuim het om daaraan te voldoen, kan verhaal; en
   ii. enige ander stappe kan doen wat hy nodig ag om voldoening te verseker.

4. In die geval van 'n noodgeval kan die munisipaliteit, sonder vooraf kennisgewing aan enigiemand, die werk wat deur subartikel (3)(e)(i) vereis word doen, en die koste verhaal op 'n persoon wat, as dit nie vir die noodgeval was nie, ingevolge subartikel (1) in kennis gestel sou moes word.
5. Die koste wat deur die munisipaliteit ingevolge subartikels (3) en (4) verhaalbaar is, is die volle koste wat met die herstel van die skade gepaard gaan en sluit in, maar is nie beperk nie tot, enige verkennende ondersoek, opmetings, planne, spesifikasies, hoeveelheidslyste, toesig, administrasiekoste, die gebruik van werktuie, die uitgawe aan arbeid wat betrokke is by die versteuring of rehabilitasie van enige deel van 'n straat of grond wat deur die herstel beïnvloed is en die omgewingskoste.

HOOFSTUK 9: APPÈLLE

166. Appèlle teen besluite van die munisipaliteit

1. 'n Klant kan skriftelik appèl aanteken teen 'n besluit van, of 'n kennisgewing deur, die munisipaliteit ingevolge hierdie verordeninge.
2. 'n Appèl ingevolge subartikel (1) moet skriftelik geskied en binne 14 (veertien) dae nadat 'n klant van die besluit of kennisgewing bewus geword het, by die munisipaliteit ingedien word en moet —

a) die redes vir die appèl uiteensit; en

b) vergesel gaan van 'n sekuriteit wat deur die munisipaliteit vasgestel is vir die toets van 'n meettoestel, as dit getoets is.

3. Die munisipaliteit moet binne 14 (veertien) dae nadat 'n appèl ingedien is, oor 'n appèl besluit, en die klant moet so gou moontlik daarna skriftelik van die uitslag verwittig word.
4. Die besluit van die munisipaliteit is finaal.
5. Die munisipaliteit kan die laat indiening van appèlle of ander prosedurele onreëlmatighede kondoneer.

HOOFSTUK 10: MISDRYWE

167. Misdrywe

1. Behoudens subartikel (2), is 'n persoon wat —

a) die munisipaliteit in die uitvoering van die bevoegdhede of verrigting van funksies of pligte kragtens hierdie verordeninge dwarsboom of hinder,

b) munisipale toerusting, die watervoorsieningstelsel, sanitasiestelsel en netwerk of die verbruik van dienste wat gelewer word, gebruik of daarmee peuter of inmeng,

c) 'n bepaling van hierdie verordeninge, behalwe 'n bepaling wat op betaling vir munisipale dienste betrekking het, oortree of versuim om daaraan te voldoen,

d) versuim om te voldoen aan die bepalings van 'n kennisgewing wat ingevolge hierdie verordeninge aan hom beteken is, skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens 6 maande, en in die geval van 'n voortgesette misdryf, met 'n verdere boete van hoogstens R800, of by wanbetaling, met gevangenisstraf van hoogstens een dag vir elke dag wat sodanige misdryf voortduur, nadat 'n skriftelike kennisgewing deur die munisipaliteit uitgereik is en aan die betrokke persoon beteken is waarin die beëindiging van so 'n misdryf vereis word.

2. 'n Persoon wat nie kan bekostig om 'n boete te betaal nie, sal nie strafbaar met gevangenisstraf wees nie, en is in plaas daarvan strafbaar met 'n tydperk van gemeenskapsdiens.

3. 'n Persoon wat die bepalings van hierdie verordeninge oortree, is aanspreeklik om die munisipaliteit te vergoed vir enige verlies of skade wat hy as gevolg van die oortreding gely het.

HOOFSTUK 11: DOKUMENTASIE

168. Ondertekening van kennisgewings en dokumente

'n Kennisgewing of dokument wat ingevolge hierdie verordeninge deur die munisipaliteit uitgereik word en wat voorgee onderteken te wees deur 'n personeellid van die munisipaliteit, word geag behoorlik uitgereik te gewees het en moet by blote voorlegging daarvan deur 'n hof as prima facie-bewys van daardie feit aanvaar word.

169. Beteken van kennisgewings

1. 'n Kennisgewing, lasgewing of ander dokument wat ingevolge hierdie verordeninge aan 'n persoon beteken word moet, behoudens die bepalings van die Strafproseswet, 1977 (Wet 51 van 1977), persoonlik beteken word, by versuim waarvan dit as behoorlik beteken geag kan word —

a) wanneer dit by 'n persoon se dorp, woonplek of besigheid of werk in die Republiek gelaat is by 'n persoon wat oënskynlik ouer as 16 jaar is;

b) wanneer dit per geregistreerde of gesertifiseerde pos aan 'n persoon se laaste bekende woonadres of besigheidsadres in die Republiek gestuur is en 'n erkenning van die pos daarvan by die posdiens verkry is;

c) indien 'n persoon se adres in die Republiek onbekend is, wanneer dit op 'n manier waarvoor daar in subartikels (a), (b) of (d) voorsiening gemaak word, aan daardie persoon se agent of verteenwoordiger in die Republiek beteken is; of

d) indien daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opvallende plek op die eiendom of perseel, indien enige, waarop dit betrekking het, geplaas is.

2. Prosesstukke is effektief en doeltreffend aan die munisipaliteit beteken wanneer dit by die munisipale bestuurder of persoon in beheer van die munisipale bestuurder se kantoor afgelewer word.

3. Wanneer 'n kennisgewing of ander dokument gemagtig moet word of beteken moet word aan die eienaar of okkupeerder van 'n eiendom, of aan 'n persoon wat 'n reg op, of ten opsigte van, 'n eiendom hou, is dit afdoende as daardie persoon in die kennisgewing of ander dokument as die eienaar, okkupeerder of houer van die reg op of ten opsigte van die eiendom beskryf word, en dit is nie nodig om sy naam te noem nie.

4. Waar nakoming van 'n kennisgewing binne 'n gespesifiseerde aantal werkdae vereis word, begin die tydperk wat vereis word op die datum waarop die kennisgewing beteken is of wanneer dit die eerste keer op enige manier gegee is soos in hierdie verordeninge bedoel word.

170. Waarmerk van dokumente

1. Elke lasgewing, kennisgewing of ander dokument wat waarmerking deur die munisipaliteit vereis, is afdoende gewaarmerk indien dit onderteken is deur die munisipale bestuurder, deur 'n behoorlik gemagtigde beampte van die munisipaliteit of deur die bestuurder van die munisipaliteit se gemagtigde agent.

2. Magtiging om te magtig, soos in subartikel (1) bedoel, moet verleen word deur 'n besluit van die munisipaliteit, deur 'n skriftelike ooreenkoms of deur 'n verordening.

171. Prima facie-bewys

In regsverrigtinge deur of namens die munisipaliteit maak 'n sertifikaat wat 'n bedrag geld weerspieël wat voorgee aan die munisipaliteit verskuldig en betaalbaar te wees, as dit deur die munisipale bestuurder of 'n werknemer van die munisipaliteit met geskikte kwalifikasies wat

deur die munisipale bestuurder gemagtig is om te teken, of die bestuurder van die munisipaliteit se gemagtigde agent onderteken is, by blote voorlegging prima facie-bewys van die verskuldigdheid uit.

HOOFSTUK 12: ALGEMENE BEPALINGS

172. Verantwoordelikheid vir nakoming van hierdie verordeninge

1. Die eienaar van 'n perseel is verantwoordelik om nakoming van hierdie verordeninge ten opsigte van alle of enige aangeleenthede met betrekking tot water en die installering en instandhouding van sanitasie te verseker.
2. Die klant is verantwoordelik vir nakoming van hierdie verordeninge ten opsigte van aangeleenthede met betrekking tot die gebruik van water en die installering en instandhouding van sanitasie.

173. Verskaffing van inligting

'n Eienaar, okkupeerder, klant of persoon binne die voorsieningsgebied van die munisipaliteit moet die munisipaliteit van akkurate inligting voorsien wat deur die munisipaliteit versoek word en wat redelikerwys deur die munisipaliteit vereis word vir die implementering of toepassing van hierdie verordeninge.

174. Magte van betreding en inspeksie

1. Die munisipaliteit kan te alle redelike tye, nadat redelike skriftelike kennisgewing aan die okkupeerder van die perseel gegee is van die voorneme om dit te doen, 'n perseel betree en inspekteur vir enige doel wat met die implementering of toepassing van hierdie verordeninge verband hou.
2. Enige betreding en inspeksie moet verrig word in ooreenstemming met die vereistes van die Grondwet van Suid-Afrika, 1996, en enige ander wet en, in die besonder, met streng inagneming van ordentlikheid en orde, respek vir 'n persoon se waardigheid, vryheid en sekuriteit en persoonlike privaatheid.
3. Die munisipaliteit se verteenwoordiger kan vergesel word deur 'n tolk of enige ander persoon wat redelikerwys nodig is om die gemagtigde beampte met die uitvoer van die inspeksie te help.
4. 'n Persoon wat die munisipaliteit verteenwoordig moet, op versoek, sy identifikasie toon.

175. Vrywaring van aanspreeklikheid

Nóg 'n werknemer van die munisipaliteit nóg enige persoon, liggaam, organisasie of korporasie wat namens die munisipaliteit optree, is aanspreeklik vir enige skade wat ontstaan uit enige handeling of versuim wat in goeie trou in die loop van sy of haar pligte gedoen is, tensy die skade deur 'n onregmatige en opsetlike daad of nalatigheid veroorsaak word.

176. Vrystelling

1. Die Tegniese Bestuurder kan 'n eienaar, klant, enige ander persoon of kategorie eienaars, belastingbetalers of gebruikers van dienste skriftelik vrystel van nakoming van 'n bepaling van hierdie verordeninge, onderworpe aan enige voorwaardes wat hy mag stel, indien hy van mening is dat die toepassing of werking van daardie bepaling onredelik sal wees, met dien verstande dat die Tegniese Bestuurder nie vrystelling van enige artikel van hierdie verordeninge mag verleen nie wat kan lei tot —

a) die verkwisting of buitensporige gebruik van munisipale dienste;

b) 'n beduidende negatiewe uitwerking op openbare gesondheid, veiligheid of die omgewing;

c) die nie-betaling vir dienste;

d) die nie-nakoming van die Wet of enige regulasies wat daarkragtens uitgevaardig is.

2. Die munisipaliteit kan te eniger tyd nadat skriftelike kennis van minstens dertig dae gegee is, enige vrystelling wat ingevolge subartikel (1) gegee is, terugtrek.

177. Strydigheid van wette

Indien daar enige teenstrydigheid tussen hierdie verordeninge en enige ander verordeninge van die munisipaliteit is, geld hierdie verordeninge.

178. Oorgangsreëlings

1. Installeringswerk wat deur die munisipaliteit voor die inwerkingtredingsdatum van hierdie verordeninge gemagtig is of gemagtigde installeringswerk wat op daardie datum aan die gang is, word geag ingevolge hierdie verordeninge gemagtig te gewees het; en die munisipaliteit kan, vir 'n tydperk van 90 (negentig) dae na die inwerkingtreding van hierdie verordeninge, installeringswerk magtig ooreenkomstig die verordeninge wat daardie werk onmiddellik voor die afkondiging van hierdie verordeninge gereguleer het.
2. 'n Verwysing in hierdie verordeninge na gelde wat deur die munisipale raad vasgestel is, word geag 'n verwysing te wees na gelde wat deur die munisipale raad vasgestel is kragtens die wette wat deur artikel 114 herroep is, tot die effektiewe datum van enige toepaslike gelde wat deur die munisipale raad ingevolge hierdie verordeninge vasgestel kan word, of verordeninge betreffende kredietbeheer en skuldinvordering, en enige verwysing na 'n bepaling in die wette wat deur artikel 114 herroep word, word geag 'n verwysing na 'n ooreenstemmende bepaling in hierdie verordeninge te wees.
3. Enige goedkeuring, toestemming of vrystelling wat gegee is kragtens die wette wat deur artikel 114 herroep is, behalwe die bepalings van (3), bly geldig.
4. Daar sal van geen klant vereis word om aan hierdie verordeninge te voldoen deur 'n waterinstallasie of deel daarvan wat geïnstalleer is ooreenkomstig enige wette wat onmiddellik voor die inwerkingtreding van hierdie verordeninge van toepassing was, te verander nie; met dien verstande dat indien, na die mening van die Tegniese Bestuurder, die installering of deel daarvan so defektief is of in 'n toestand of posisie is wat verkwisting of onbehoorlike verbruik van water, besoedeling van die watertoevoer of 'n gesondheidsgevaar kan veroorsaak, die Tegniese Bestuurder by kennisgewing die klant kan gelas om aan die bepalings van hierdie verordeninge te voldoen.

179. Herroeping van bestaande munisipale waterdiensteverordeninge

Die bepalings van enige verordeninge betreffende watervoorsiening en sanitasiedienste van die munisipaliteit word hiermee herroep vir sover dit betrekking het op aangeleenthede waarvoor daar in hierdie verordeninge voorsiening gemaak word.

180. Kort titel en inwerkingtreding

1. Hierdie verordeninge heet die Waterdiensteverordeninge van die Thembelihle Munisipaliteit.
2. Die munisipaliteit kan, by kennisgewing in die Provinsiale Koerant, bepaal dat die bepalings van hierdie verordeninge, in die kennisgewing gelys, nie in sekere gebiede binne sy regsgebied wat in die kennisgewing gelys word, vanaf 'n datum wat in die kennisgewing gespesifiseer word, van toepassing is nie.
3. Tensy 'n kennisgewing wat in subartikel (2) bedoel word, uitgereik word, is hierdie verordeninge bindend.

SKEDULE A: PERKE VAN KONSENTRASIE VAN STOWWE WAT IN DIE MUNISIPALITEIT SE SANITASIESTELSEL UITGELAAT KAN WORD

Parameter	Toegelate spesifikasie
PV - nie oorskry nie	1400 ml/l
Ph binne bestek	6,0 – 10,0
Elektriese geleivermoë— nie groter nie as	500 m S / m by 20 °C
Bytalkaliniteit (uitgedruk as CaCO3)	2 000 mg / l
Stof nie in oplossing (insluitende vet, olie, ghries, was en soortgelyke stowwe)	2 000 mg / l
Stowwe oplosbaar in petroleum-eter	500 mg / l
Sulfied, waterstofsulfied en polisulfied (uitgedruk as S)	50 mg / l
Stowwe waaruit waterstofsianied in die perseelrioolinstallasie, riool of rioolvuilbehandelingswerke vrygelaat kan word (uitgedruk as HCN)	20 mg / l
Formaldehied (uitgedruk as HCHO)	50 mg / l
Nie-organiese vaste stowwe in suspensie	100 mg / l
Chemiese suurstofbehoefte (CO)	5 000 mg / l
Alle suikers en/of stysels (uitgedruk as glukose)	1 500 mg / l
Beskikbare chloor (uitgedruk as Cl)	100 mg / l
Sulfate (uitgedruk as SO4)	1 800 mg / l
Fluoor-bevattende verbindings (uitgedruk as F)	5 mg / l
Anioniese oppervlakaktiewe middel	500 mg / l

METALE:

Groep 1:

Metaal	Uitgedruk as
Mangaan	Mn
Chroom	Cr
Koper	Cu
Nikkel	Ni
Sink	Zn
Yster	Fe
Silwer	Ag
Kobalt	Co
Wolfram	W
Titaan	Ti
Kadmium	Cd

Die totale kollektiewe konsentrasie van alle metale in Groep 1 (uitgedruk soos hierbo aangedui) in 'n monster van die uitvloeisel mag nie 50 mg / l oorskry nie, en die konsentrasie van 'n individuele metaal in die monster mag ook nie 10 mg / l oorskry nie.

Groep 2:

Metaal	Uitgedruk as
Lood	Pb
Seleen	Se
Kwik	Hg

Die totale kollektiewe konsentrasie van alle metale in Groep 2 (uitgedruk soos hierbo aangedui) in 'n monster van die uitvloeisel mag nie 10 mg / l oorskry nie, en die konsentrasie van 'n individuele metaal in die monster mag ook nie 5 mg / l oorskry nie.

ANDER ELEMENTE

Element	Uitgedruk as
Arseen	As
Boor	B

Die totale kollektiewe konsentrasie van alle elemente (uitgedruk soos hierbo aangedui) in 'n monster van die uitvloeisel mag nie 20 mg / l oorskry nie.

RADIO-AKTIEWE AFVAL

Radio-aktiewe afval of isotope: So 'n konsentrasie as wat deur die Atoomenergieraad of 'n Nasionale Departement neergelê is:

Met dien verstande dat, nieteenstaande die vereistes wat in hierdie Deel uiteengesit word, die munisipaliteit die reg voorbehou om die totale massa van enige stof of onsuiwerheid wat per 24 uur in die sanitasiestelsel vanaf 'n perseel uitgelaat word, te beperk.

TOETSMETODE

Die toetsmetode om die konsentrasie van 'n stof in hierdie Skedule te bepaal, moet die toets wees wat normaalweg deur die munisipaliteit vir hierdie doeleindes gebruik word. 'n Persoon wat 'n stof waarna daar in hierdie Skedule verwys word, uitlaat, moet die besonderhede van die toepaslike toets by die munisipaliteit vasstel.

SKEDULE B: AANSOEKVORM VIR DIE UITLAAT VAN NYWERHEIDSUITVLOEISEL IN DIE MUNISIPALITEIT SE SANITASIESTELSEL

(Vul aansoek asseblief in hoofblokletters in)

Ek (naam): _____

die ondergetekende, behoorlik gemagtig om op te tree namens

_____

en hierna die aansoeker genoem, doen hiermee ingevolge die Waterdiensteverordeninge van die munisipaliteit aansoek om goedkeuring om nywerheidsuitvloeisel in die munisipaliteit se sanitasiestelsel uit te laat ooreenkomstig die inligting wat hierin verstrek word.

DEEL I

1. AARD VAN DIE BETROKKE BESIGHEID OF NYWERHEID:

_____

2. NAAM OF STYL WAARONDER DIE BESIGHEID OF NYWERHEID BEDRYF WORD:

_____

3. POSADRES VAN DIE BESIGHEID OF NYWERHEID:

_____

4. FISIESE STRAATADRES:

_____

_____

ERF NO OF PLAASGEDEELTE: _____VOORSTAD OF PLAAS:_____

5. Indien die besigheid of nywerheid deur 'n maatskappy of beslote korporasie bedryf word, meld die naam van die sekretaris, en as dit 'n vennootskap is, meld die name van die vennote:

_____

6. IS DIT 'N NUWE OF GEVESTIGDE BESIGHEID: _____

7. BESKRYWING VAN NYWERHEID- OF HANDELSPROSES WAT DIE UITVLOEISEL SAL VOORTBRING:

_____

_____

_____

8. INLIGTING MET BETREKKING TOT WERKNEMERS:

Kantoor	Fabriek
Totale aantal daaglikse werknemers (nie by (4) ingesluit nie):	
(2) Aantal skofte per dag gewerk:	
(3) Aantal dae per week gewerk :	
(4) Aantal persone op die perseel woonagtig:	
(5) Word 'n kantien voorsien? :	

DEEL II

INLIGTING MET BETREKKING TOT DIE VERBRUIK VAN WATER

1. TOTALE AANTAL LITER WATER IN SES MAANDE VERBRUIK:

Meter No	Meter No	Meter No	Totaal
Water by die munisipaliteit gekoop			
Water uit boorgat of ander bron			
Water wat met grondstowwe binnekom			
Deel van aanleg deur meter bedien			
Totaal A			

2. WATERVERBRUIK

(1) Nywerheidsgebruik kl/maand

(i) Hoeveelheid water in produk .....

(ii) Hoeveelheid water deur verdamping verlore gegaan .....

(iii) Hoeveelheid water as ketelaanvulling gebruik .....

(iv) Hoeveelheid water vir ander gebruike (bv. verkoeling, tuine, ens) .....

TOTAAL B _____

(2) Huishoudelike gebruik kl/maand

(i) Totale aantal werknemers (laat 1 kiloliter/persoon/maand toe) .....

(ii) Totale aantal werknemers permanent op die perseel woonagtig, bv. hostels (laat 1 kiloliter/persoon/maand toe) .....

TOTAAL C _____

3. UITVLOEISEL IN SANITASIESTELSEL UITGELAAT

(1) Gemeterde volume (indien bekend) kl/ maand

(2) Geraamde ongemeterde volume (sien hieronder *) kl/ maand

(3) Geraamde uitlaattempo .....

(4) Tydperk van maksimum uitlaat (bv. 07:00 tot 08:00) .....

* In geval geen uitvloeiselmeter op die perseel geïnstalleer is nie, word die geraamde volume ongemeterde uitvloeiseluitlaat in riool soos volg bereken:

A – (B + C) = ...kiloliter/maand

DEEL III

INLIGTING MET BETREKKING TOT DIE SAMESTELLING VAN NYWERHEIDSUITVLOEISEL

Inligting met betrekking tot die chemiese en fisiese eienskappe van die uitvloeisel wat uitgelaat gaan word:

(1) Maksimum temperatuur van uitvloeisel °C
(2) pH-waarde Ph
(3) Aard en hoeveelheid besinkbare vaste stowwe
(4) Organiese inhoud (uitgedruk as Chemiese Suurstofbehoefte)
(5) Maksimum totale daaglikse uitlaat (kiloliter)
(6) Maksimum uitlaattempo (kiloliter / hr)
(7) Periodes van maksimum uitlaat (bv. 07:00 tot 08:00)
(8) Indien enige van die stowwe of hulle soute, in die tabel gespesifiseer, op die perseel gevorm word, moet 'n kruis geplaas word in die ruimte waarin die stof verskyn en, indien moontlik, moet die gemiddelde konsentrasie van hierdie stof wat waarskynlik in enige uitvloeisel aanwesig sal wees, ook gemeld word.

TABEL

ELEMENTE		VERBINDINGS		ANDER STOWWE	
Arseen	mg/l	Ammonium	mg/l	Ghries en/of olie	mg/l
Boor	mg/l	Nitraat	mg/l	Stysel en/of suikers	mg/l
Kadmium	mg/l	Sulfied	mg/l	Sintetiese detergente	mg/l
Chroom	mg/l	Sulfaat	mg/l	Teer en / of teerolies	mg/l
Kobalt	mg/l	Ander (spesifiseer)	mg/l	Vlugtige oplossers	mg/l
Koper	mg/l			Ander (spesifiseer)	mg/l
Sianied	mg/l				
Yster	mg/l				
Lood	mg/l				
Mangaan	mg/l				
Kwik	mg/l				
Nikkel	mg/l				
Seleen	mg/l				
Wolfram	mg/l				
Titaan	mg/l				
Sink	mg/l				
Ander (spesifiseer)	mg/l				

(9) Enige verdere inligting oor die soort of aard, chemiese samestellings, konsentrasies of ander eienskappe eie aan die nywerheidsuitvloeisel moet op 'n afsonderlike vel verstrek en hierby aangeheg word.

DEEL IV

VOORWAARDES BETREFFENDE DIE AANVAARDING VAN NYWERHEIDSUITVLOEISEL

1. Die aansoeker moet beskrywings en 'n staat van die afmetings van vet- en olievangers, roosters, verdunnings- en neutralisasietenks en enige ander voorsiening wat vir die behandeling van die uitvloeisel voor uitlaat in die sanitasiestelsel gemaak word, verstrek.
2. Die aansoeker moet, indien versoek, planne by die munisipaliteit indien waarop die netwerkstelsels op sy perseel vir water en nywerheidsuitvloeisel aangedui word.
3. Die aansoeker moet, benewens voldoening aan die bepalings van die munisipaliteit se Waterdiensteverordeninge wat op die beskerming van sy werknemers, riole en behandelingsaanleg teen skade gerig is, voldoen aan enige voorskrif betreffende sodanige beskerming wat mondeling of skriftelik deur die Tegniese Bestuurder gegee word met die doel om die aansoeker se nakoming van die genoemde verordeninge te verseker.
4. Die aansoeker moet die munisipaliteit so gou as moontlik nadat hy daarvan bewus word, of ten minste 14 dae voordat enigiets gedoen word om wesenlike verandering te veroorsaak aan die aard van of hoeveelheid nywerheidsuitvloeisel wat in hierdie aansoek gespesifiseer word of van enigeen van die feite wat hierin deur hom gemeld is, daarvan in kennis stel.
5. Die aansoeker moet, binne 30 dae vanaf die datum van ondertekening van hierdie aansoek, 'n akkurate verteenwoordigende monster van nie minder nie as 5 liter van die nywerheidsuitvloeisel wat in die riool uitgelaat gaan word, verkry, welke monster vry van huishoudelike rioolvuil moet wees, en een helfte daarvan vir ontleding aan die munisipaliteit voorlê en ook aan die Tegniese Bestuurder 'n verslag oor die monster deur 'n ontleder wat deur hom aangestel is, voorlê: Met dien verstande dat in die geval van 'n nuut gestigte nywerheid die gespesifiseerde tydperk deur die munisipaliteit verleng kan word vir 'n tydperk van hoogstens ses maande of sodanige verdere verlengde tydperke as wat die munisipaliteit na sy goeddunke kan goedkeur.
6. Die aansoeker verklaar hierby en waarborg dat die inligting wat deur hom in hierdie vorm, of andersins, in verband met hierdie aansoek verstrek is, na die beste van sy wete in alle opsigte korrek is.
7. Die aansoeker gaan akkoord dat die genoemde inligting, wat in alle opsigte korrek is, die grondslag uitmaak waarop hierdie aansoek deur die munisipaliteit goedgekeur word.

Aldus gedaan in ..... deur die aansoeker op hierdie ..... dag van .....20 .....

.....

Handtekening en hoedanigheid van die aansoeker

SKEDULE C: FORMULE VIR DIE BEREKENING VAN UITVLOEISELUITLAATGELDE

1. Die bykomende gelde vir nywerheidsuitvloeisel vir die wegdoening van hoësterkterioolvuil in 'n afvalwaterbehandelingsaanleg word ooreenkomstig die volgende formule vasgestel:

Waar Tc = Buitengewone Behandelingskoste vir Verbruiker

Qc = Afvalwatervolume deur verbruiker uitgelaat in kl

t = Eenheidbehandelingskoste van afvalwater in R/kl

CODc = Totale COD van afvalwater deur verbruiker uitgelaat in milligram/liter en sluit in beide die bioafbreekbare en nie-bioafbreekbare gedeelte van die CSB

CODd = Totale COD van huishoudelike afvalwater in milligram per liter

Pc = Orto-fosfaatkonsentrasie van afvalwater deur verbruiker uitgelaat in milligram fosfor per liter

Pd = Orto-fosfaatkonsentrasie van huishoudelike afvalwater in milligram fosfor per liter

Nc = Ammoniakkonsentrasie van afvalwater deur verbruiker uitgelaat in milligram stikstof per liter

Nd = Ammoniakkonsentrasie van huishoudelike afvalwater in milligram stikstof per liter

a = Gedeelte van die koste wat regstreeks met COD verband hou

b = Gedeelte van die koste wat regstreeks met die verwydering van fosfate verband hou

c = Gedeelte van die koste wat regstreeks met die verwydering van nitrate verband hou

Verskillende terme	Waarde
T	R0.82/kl
CODd	600 mg/l
10 mg/l	
Nd	25 mg/l
A	0.6
B	0.25
C	0.15

AANHANGSEL A: UITTREKSEL UIT DIE WETGEWING WAT UITEENSIT WAT IN VERORDENINGE HANTEER MOET WORD

Die Wet op Waterdienste

Artikel 21 van die Wet op Waterdienste bepaal soos volg:

"21 Verordeninge

(4) Elke waterdiensteowerheid moet verordeninge uitvaardig wat voorwaardes bevat vir die verskaffing van waterdienste, en wat voorsiening moet maak vir minstens —

(a) die standaard van die dienste;[1]

(b) die tegniese voorsieningsvoorwaardes, met inbegrip van gehaltestandaarde, eenhede of standaarde van meting, verifikasie van meters, aanvaarbare foutperke en prosedures vir die arbitrasie van geskille rakende die meet van waterdienste wat verskaf is;[2]

(c) die installering, verandering, bedryf, beskerming en inspeksie van waterdienstewerke en verbruikersinstallasies;

(d) die bepaling en struktuur van tariewe ooreenkomstig artikel 10;[3]

(e) die betaling en invordering van geld verskuldig vir die waterdienste;

(f) die omstandighede waaronder waterdienste ingekort of gestaak kan word en die prosedure vir sodanige inkorting of staking;[4] en

(g) die voorkoming van onwettige koppelings met waterdienstewerke en die onwettige of verkwistende gebruik van water.

(2) Voorwaardes waarop waterdienste verskaf word —

---

[1] Sien Regulasies met betrekking tot verpligte nasionale standaarde en maatreëls om water te bespaar, afgekondig ingevolge artikels 9(1) en 73(1) van die Wet op Waterdienste – Goewermentskennisgewing R509, 8 Junie 2001

[2] Sien Regulasies met betrekking tot verpligte nasionale standaarde en maatreëls om water te bespaar, afgekondig ingevolge artikels 9(1) en 73(1) van die Wet op Waterdienste – Goewermentskennisgewing R509, 8 Junie 2001.

[3] Sien Regulasies met betrekking tot norme en standaarde ten opsigte van tariewe vir waterdienste, afgekondig ingevolge artikel 10(1) van die Wet op Waterdienste – Goewermentskennisgewing R652, 20 Julie 2001.

[4] Sien artikel 4(3) van die Wet op Waterdienste wat bepaal: "Prosedures vir die inkorting of staking van waterdienste moet—

(a) regverdig en billik wees;

(b) voorsiening maak dat redelike kennisgewing van voorneme om waterdienste in te kort of te staak en vir 'n geleentheid om vertoë te rig, tensy—

(i) ander verbruikers benadeel sou word;

(ii) daar 'n noodsituasie heers; of
(iii) die verbruiker ingemeng het met 'n ingekorte of gestaakte diens; en

(c) nie tot gevolg hê nie dat 'n persoon toegang tot basiese waterdienste vir niebetaling geweier word, waar daardie persoon tot die bevrediging van die betrokke waterdiensteowerheid aantoon dat hy of sy nie in staat is om basiese dienste te betaal nie.

(a) kan perke plaas op die gebiede waaraan waterdienste verskaf sal word volgens die aard, topografie, sonering en ligging van die betrokke grond;

(b) kan voorsiening maak vir die inkorting of staking van waterdienste waar 'n verbruiker versuim om sy of haar verpligtinge aan die waterdiensteverskaffer na te kom, met inbegrip van —

(i) versuim om vir dienste te betaal; of

(ii) versuim om ander voorwaardes vir die verskaffing van dienste na te kom;

(c) kan 'n verpligting plaas op 'n wanbetaler —

(i) om 'n groter deposito te betaal;

(ii) om die heraansluitgeld te betaal nadat waterdienste gestaak is;

(d) kan van 'n wanbetaler vereis om 'n hoër tarief vir waterdienste te betaal waar daardie wanbetaler toegang tot waterdienste deur 'n gemeenskapswaterdienstewerk verkry en die verskaffing daarvan nie sonder die benadeling van ander verbruikers gestaak of beperk kan word nie;

(e) kan voorsiening maak vir 'n algemene beperking of staking van waterdienste waar—

(i) nasionale rampe onderbrekings in die verskaffing van dienste veroorsaak; of

(ii) voldoende water beskikbaar is vir enige ander rede;

(f) kan 'n opsie insluit om beperkte toegang tot minstens basiese watervoorsiening en basiese sanitasie te behou vir 'n verbruiker wie se waterdienste gestaak staan te word; en

(g) moet toeganklik wees vir verbruikers en potensiële verbruikers.

(3) 'n Waterdiensteowerheid wat—

(a) water vir nywerheidsgebruik verskaf; of

(b) 'n stelsel beheer waardeur nywerheidsuitvloeisel mee weggedoen word, moet verordeninge uitvaardig wat ten minste voorsiening maak vir—

(i) die standaard van diens;

(ii) die tegniese voorwaardes van verskaffing en wegdoen;

(iii) die vasstelling en strukture van heffings;

(iv) die betaling en insameling van gelde verskuldig; en

(v) die omstandighede waaronder die verskaffing en wegdoen beperk of verbied mag word."

Die Wet op Munisipale Stelsels

Tariewe

Artikel 75 van die Wet op Munisipale Stelsels bepaal soos volg -

"75. Verordeninge moet aan beleid uitvoering gee

(1) 'n Munisipale raad moet verordenings aanneem om uitvoering te gee aan die implementering en toepassing van sy tariefbeleid.

(2) Verordenings ingevolge subartikel (1) kan onderskei tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, standaarde en geografiese gebiede solank sodanige onderskeid nie neerkom op onbillike diskriminasie nie."

Wanneer verordeninge met betrekking tot tariewe gemaak word, is dit belangrik dat die munisipaliteit 'n tariefbeleid opstel voordat sulke verordeninge gemaak word. Die beleid moet die verordeninge voorafgaan.

Die verordeninge moet gevolg aan die tariefbeleid gee. Die Wet op Munisipale Stelsels bepaal die volgende ten opsigte van 'n tariefbeleid –

"74. Tariefbeleid

(1) 'n Munisipale raad moet 'n tariefbeleid aanneem en implementeer ten opsigte van die heffing van gelde vir munisipale dienste wat deur die munisipaliteit self, of deur middel van diensleweringsooreenkomste, verskaf word, en wat aan die bepalings van hierdie Wet, die Munisipale Finansiële Bestuurswet en enige ander toepaslike wetgewing voldoen.

(2) 'n Tariefbeleid moet minstens die volgende beginsels weergee, naamlik dat —

(a) gebruikers van munisipale dienste billik behandel moet word by die toepassing van tariewe;

(b) die bedrag wat individuele gebruikers vir dienste betaal in die algemeen in verhouding moet wees met hul gebruik van daardie diens;

(c) arm huishoudings minstens tot basiese dienste toegang moet hê deur —

(i) tariewe wat bloot bedryfs- en instandhoudingskoste dek;

(ii) spesiale tariewe of lewenslyntariewe vir lae vlakke van gebruik of verbruik van dienste of vir basiese diensvlakke; of

(iii) enige ander regstreekse of onregstreekse metode van subsidiëring van tariewe vir arm huishoudings;

(d) tariewe die koste moet weerspieël wat redelikerwys met die lewering van die diens in verband gebring word, insluitende kapitaal-, bedryfs-, instandhoudings-, administrasie- en vervangingskoste, en renteheffings;

(e) tariewe teen vlakke gestel moet word wat die finansiële volhoubaarheid van die diens fasiliteer, met inagneming van subsidiëring uit bronne anders dan die betrokke diens;

(f) voorsiening in toepaslike omstandighede gemaak kan word vir 'n bobelasting op die tarief vir 'n diens;

(g) voorsiening gemaak kan word vir die bevordering van plaaslike ekonomiese ontwikkeling deur spesiale tariewe vir kategorieë of kommersiële- en nywerheidsgebruikers;

(h) die ekonomiese, doeltreffende en effektiewe gebruik van hulpbronne, die herwinning van afval, en ander toepaslike omgewingsoogmerke aangemoedig moet word;

(i) die mate van subsidiëring van tariewe vir arm huishoudings en ander kategorieë gebruikers volledig openbaar gemaak moet word.

(3) 'n Tariefbeleid kan onderskei tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde, geografiese gebiede en ander aangeleenthede solank dit nie neerkom op onbillike diskriminasie nie."

Kredietbeheer

Artikel 98 van die Wet op Munisipale Stelsels bepaal soos volg –

"98. Verordeninge moet gevolg gee aan beleid

(1) 'n Munisipale raad moet verordenings aanneem om gevolg te gee aan die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid en die implementering en uitvoering daarvan.

(2) Verordenings ingevolge subartikel (1) kan onderskei tussen verskillende kategorieë belastingbetalers, gebruikers van dienste, debiteure, belastings, dienste, diensstandaarde en ander aangeleenthede, solank die onderskeid nie op onbillike diskriminasie neerkom nie."

Wanneer verordeninge met betrekking tot kredietbeheer en skuldinvordering gemaak word, is dit belangrik dat 'n kredietbeheer- en skuldinvorderingsbeleid deur die munisipaliteit opgestel

moet word voordat sodanige verordeninge gemaak word. Die beleid moet die verordeninge voorafgaan.

Die verordeninge moet gevolg gee aan die kredietbeheer- en skuldinvorderingsbeleid. Die Wet op Munisipale Stelsels bepaal die volgende ten opsigte van 'n kredietbeheer- en skuldinvorderingsbeleid –

"96. Skuldinvorderingsverantwoordelikheid van munisipaliteite

'n Munisipaliteit moet -

(a) alle gelde invorder wat aan hom verskuldig en betaalbaar is, behoudens hierdie Wet en enige ander toepaslike wetgewing; en

(b) vir dié doel, 'n kredietbeheer- en skuldinvorderingsbeleid aanneem, instandhou en implementeer wat nie-strydig is met sy eiendomsbelastingsbeleid en sy tariefbeleid en wat aan die bepalings van hierdie Wet voldoen.

97. Inhoud van beleid

(1) 'n Kredietbeheer- en skuldinvorderingsbeleid moet voorsiening maak vir -

(a) kredietbeheerprosedures en -meganismes;

(b) skuldinvorderingsprosedures en -meganismes;

(c) voorsiening vir hulpbehoewende debiteure wat nie-strydig is nie met sy eiendomsbelastingsbeleid en sy tariefbeleid en enige nasionale beleid oor hulpbehoewendes;

(d) realistiese doelwitte wat nie-strydig is nie met -

(i) algemeen erkende rekeningkundige praktyke en invorderingsverhoudings, en

(ii) die geskatte inkomste wat in die begroting daargestel is, min 'n aanvaarbare voorsiening vir slegte skulde;

(e) rente op agterstallige gelde, waar toepaslik;

(f) uitstel van tye vir betaling van rekeninge;

(g) beëindiging van dienste of die beperking van die verskaffing van dienste wanneer betalings agterstallig is;

(h) aangeleenthede betreffende die ongemagtigde gebruik van dienste, asook diefstal en skade; en

(i) enige ander aangeleenthede wat by regulasie voorgeskryf mag word ingevolge artikel 104.

(2) 'n Kredietbeheer- en skuldinvorderingsbeleid kan onderskei tussen verskillende kategorieë belastingbetalers, gebruikers van dienste, debiteure, belastings, dienste, diensstandaarde en ander aangeleenthede, solank die onderskeid nie op onbillike diskriminasie neerkom nie."

Ander tersaaklike artikels

Die Wet op Munisipale Stelsels bevat voorts 'n aantal bykomende artikels met betrekking tot kredietbeheer en skuldinvordering wat tersaaklik is vir verordeninge ten opsigte daarvan. Dit is –

"95. Klantesorg en -bestuur

(5) Met betrekking tot die heffing van eiendomsbelasting en ander belasting deur 'n munisipaliteit en die hef van gelde vir munisipale dienste, moet 'n munisipaliteit, binne sy finansiële en administratiewe kapasiteit -

(a) 'n gesonde klantebestuurstelsel instel wat daarop gerig is om 'n positiewe en wedersydse verhouding te skep tussen persone wat vir dié betalings aanspreeklik is en die munisipaliteit, en waar van toepassing, 'n diensverskaffer;

(b) meganismes instel vir gebruikers van dienste en belastingbetalers om terugvoering te gee aan die munisipaliteit of ander diensverskaffer ten opsigte van die gehalte van die dienste en die prestasie van die diensverskaffer;

(c) redelike stappe neem om te verseker dat gebruikers van dienste ingelig word oor die koste betrokke by diensverskaffing, die redes vir die betaling van dienstegelde, en die wyse waarop gelde wat uit die dienste verkry word, aangewend word;

(d) waar die verbruik van dienste gemeet staan te word, redelike stappe neem om te verseker dat die verbruik deur individuele gebruikers van dienste deur akkurate en verifieerbare metingstelsels gemeet word;

(e) verseker dat persone wat aanspreeklik is vir betalings, gereelde en akkurate rekeninge ontvang wat die grondslag aandui waarop die verskuldigde bedrae bereken word;

(f) toeganklike meganismes voorsien vir daardie persone om rekening en gemete verbruik te bevraagteken of te verifieer, en appèlprosedures wat dit vir sodanige mense moontlik maak om spoedige regstelling van onakkurate rekenings te ontvang;

(g) toeganklike meganismes voorsien vir die hantering van klagtes van sodanige persone, tesame met spoedige antwoorde en regstellende optrede deur die munisipaliteit;

(h) meganismes voorsien om die reaksietyd en doeltreffendheid by die nakoming van paragraaf (g) te moniteer; en

(i) toeganklike betaalpunte en ander meganismes vir die vereffening van rekeninge of die maak van voorafbetalings vir dienste, voorsien.

101. Munisipaliteit se toegangsreg tot persele

Die bewoner van 'n perseel in 'n munisipaliteit moet te alle redelike ure aan 'n gemagtigde verteenwoordiger van die munisipaliteit of van 'n diensverskaffer toegang verleen tot die perseel ten einde enige meter of diensverbinding vir verspreiding te lees, te inspekteer, te installeer of te herstel, of om die verskaffing van enige diens af te besluit of te beperk.

102. Rekeninge

(1) 'n Munisipaliteit kan —

(a) enige afsonderlike rekeninge van persone wat vir betalings aan die munisipaliteit aanspreeklik is, konsolideer;

(b) 'n betaling deur so 'n persoon krediteer teen enige rekening van daardie persoon; en

(c) enige van die skuldinvorderings- en kredietbeheermaatreëls implementeer waarvoor in hierdie Hoofstuk voorsiening gemaak word met betrekking tot enige agterstallige bedrae op enige van die rekeninge van so 'n persoon.

(1) Subartikel (1) is nie van toepassing nie waar daar 'n dispuut is tussen die munisipaliteit en 'n persoon bedoel in daardie subartikel rakende 'n bepaalde bedrag wat deur die munisipaliteit van daardie persoon geëis word.

103. Ooreenkomste met werkgewers

'n Munisipaliteit kan -

(a) met die instemming van 'n persoon wat teenoor die munisipaliteit aanspreeklik is vir die betaling van eiendomsbelasting of ander belastings, of gelde vir munisipale dienste, 'n ooreenkoms aangaan met daardie persoon se werkgewer om van die salaris of loon van daardie persoon -

(i) enige uitstaande bedrae af te trek wat deur daardie persoon aan die munisipaliteit verskuldig is; of

(ii) sodanige gereelde maandelikse bedrae af te trek soos ooreengekom mag word; en

(b) spesiale aansporings verskaf vir -

(i) werkgewers om sodanige ooreenkomste aan te gaan; en

(ii) werknemers om tot sodanige ooreenkomste in te stem.

118. Verbod op oordrag van eiendom[5]

(1) 'n Registrateur van aktes mag nie die oordrag van eiendom registreer nie behalwe by voorlegging aan daardie registrateur van aktes van 'n voorgeskrewe sertifikaat -

(a) wat deur die munisipaliteit of munisipaliteite waarbinne daardie eiendom geleë is, uitgereik is; en

(b) wat sertifiseer dat alle bedrae wat verskuldig geraak het in verband met daardie eiendom vir munisipale dienstegelde, bobelasting op gelde, eiendomsbelasting en ander munisipale belastings, heffings en aksyns gedurende die twee jaar wat die datum van aansoek om die sertifikaat voorafgaan, ten volle betaal is.

(1A) 'n Voorgeskrewe sertifikaat wat deur 'n munisipaliteit uitgereik is ingevolge subartikel (1) is geldig vir 'n tydperk van 120 dae vanaf die datum waarop dit uitgereik is.

(2) In die geval van die oordrag van eiendom deur 'n trustee van 'n insolvente boedel, is die bepalings van hierdie artikel onderworpe aan artikel 89 van die Insolvensiewet, 1936 (Wet No. 24 van 1936).

(3) 'n Bedrag wat verskuldig is vir munisipale dienstegelde, bobelastings op gelde, eiendomsbelasting en ander munisipale belastings, heffings en aksyns maak 'n las uit op die eiendom in verband waarmee die bedrag verskuldig is, en het voorrang bo enige verbandakte wat teen die eiendom geregistreer is.

(4) Subartikel (1) is nie van toepassing nie op -

(a) 'n oordrag vanaf die nasionale regering, 'n provinsiale regering of 'n munisipaliteit van 'n residensiële eiendom wat gefinansier is met fondse of lenings wat deur die nasionale regering, 'n provinsiale regering of 'n munisipaliteit beskikbaar gestel is; en

(b) die vestiging van eiendomsreg as gevolg van 'n omskepping van grondbesitregte in eiendomsreg ingevolge Hoofstuk 1 van die Wet op die Opgradering van Grondbesitregte, 1991 (Wet No. 112 van 1991:

Met dien verstande dat niks in hierdie subartikel die daaropvolgende invordering deur 'n munisipaliteit van enige bedrae wat aan hom verskuldig is ten opsigte van daardie eiendom ten tye van die oordrag of omskepping verhoed nie.

(5) Subartikel (3) is nie van toepassing op 'n bedrag bedoel in daardie subartikel wat verskuldig geword het voor 'n oordrag van 'n residensiële eiendom of 'n omskepping van grondbesitregte in eiendomsreg beoog in subartikel (4) plaasgevind het nie."

Dit is belangrik om te onthou dat die Minister regulasies kan uitvaardig of riglyne kan uitreik om voorsiening te maak vir die volgende aangeleenthede met betrekking tot kredietbeheer en skuldinvordering ingevolge die Wet op Munisipale Stelsels of dit te reguleer. Geen regulasies is tot op datum afgekondig nie.

[5] Die Konstitusionele Hof oorweeg tans die grondwetlikheid van hierdie artikel - Mkontwana v Nelson Mandela Metropolitan Municipality and Others; Bisset and Others v Buffalo City Municipality 2003 ongerapporteer Saaknommers 1238/02 en 903/2002.

AANHANGSEL B: VERTALING VAN UITTREKSEL UIT DIE STRATEGIESE RAAMWERK VIR WATERDIENSTE, 2003

Tariewe

Kleinhandeltariefbeleide moet op die volgende tariefbeginsels gebaseer wees:[6]

- Tariewe moet regverdig en billik toegepas word.
- Die bedrag wat individuele gebruikers vir dienste betaal moet oor die algemeen in verhouding tot hulle gebruik van daardie diens wees.
- Water- en sanitasietariewe vir huishoudelike gebruik moet pro-arme in hulle oriëntasie wees, dit wil sê, hulle moet daarna streef om te verseker dat 'n minimum basiese vlak van waterverskaffing en sanitasiedienste vir alle huishoudings bekostigbaar is, veral kwesbare groepe soos huishoudings met vroue of kinders aan die hoof of wat deur MIV/vigs geaffekteer is.
- Tariewe moet al die koste weerspieël wat redelik met die lewering van die diens gepaard gaan.
- Tariewe moet op alle vlakke vasgestel word om die finansiële volhoubaarheid van die diens te fasiliteer, met inagneming van ander bronne as die betrokke diens.
- Die ekonomiese, doeltreffende en effektiewe gebruik van hulpbronne, die vermindering van lekkasies en onverantwoorde water, die herwinning van water en ander gepaste omgewingsdoelwitte moet aangemoedig word.
- 'n Tariefbeleid kan tussen verskillende kategorieë gebruikers, debiteure, diensverskaffers, dienste, diensstandaarde, geografiese gebiede en ander aangeleenthede differensieer solank die differensiasie nie op onbillike diskriminasie neerkom nie.
- Alle vorme van subsidies moet deursigtig wees en ten volle geopenbaar word.

Kleinhandelwater- en sanitasietariefbeleide – Waterdiensowerhede

Kleinhandelwater- en sanitasietariefbeleide moet deur waterdiensowerhede ontwikkel word. Dit moet aan die volgende vereistes voldoen.

Inkomstevereistes. Wanneer die inkomstevereistes vir waterdienste bepaal word, moet 'n waterdienste-instelling ten minste die volgende in ag neem: realistiese bedryf- en instandhoudingskoste (insluitende enige tersaaklike en toepaslike bokoste, gelde en heffings), rentekoste, depresiasiekoste, 'n redelike opbrengskoers op bates (waar gepas), en voorsienings vir slegte skuld en ander toekomstige koste (insluitende infrastruktuuruitbreiding). Daarbenewens moet 'n waterdienste-instelling die kontantbehoeftes bepaal wat nodig is om 'n finansieel lewensvatbare en volhoubare operasie oor tyd in stand te hou, met inagneming van enige beskikbare en veilige bedryfsubsidies. 'n Waterdienste-instelling kan 'n bydrae tot die algemene munisipale belastingfonds in ag neem (waar gepas).

Koste. Alle waterdiensowerhede moet beplan om alle huishoudings met ten minste 'n basiese vlak van watervoorsiening en sanitasiediens te voorsien. In die eerste instansie moet subsidies van die nasionale regering in die vorm van die munisipale infrastruktuurtoekenning en die plaaslike regering se billike aandeel gebruik word om met die verskaffing van hierdie dienste te help. Met inagneming van hierdie bronne van subsidie, moet enige bykomende koste wat met die verskaffing van basiese water- en sanitasiedienste (insluitende die implementering van gratis basiese water- en sanitasiebeleide) gepaard gaan, ingesluit word by die inkomstevereistes wat hierbo uiteengesit word. Die koste van rehabilitasie en stelseluitbreiding moet in ag geneem word. Waterverlies en onverantwoorde water moet tot aanvaarbare vlakke

[6] Hierdie tariefbeginsels is in ooreenstemming met dié wat in die Wet op Plaaslike Regering: Munisipale Stelsels en die Wet op Waterdienste uiteengesit word.

bestuur word. Die toewysing van fondse vir instandhouding moet afdoende wees om die waterdienste-infrastruktuur en verwante stelsels afdoende in stand te hou.

Bydraes. Die bydrae van waterdienste tot die belasting- en algemene fonds moet tot minder as tien persent van bruto inkomste uit die verkoop van water beperk word. Inkomste uit sanitasiegelde moet nie gebruik word om ander dienste te subsidieer nie.

Verbruikerskategorieë. Kleinhandelwater- en afvalwatertariewe moet ten minste drie kategorieë verbruikers onderskei: huishoudelik, nywerheid en ander.

Diensvlakke. Kleinhandelwater- en afvalwatertariewe moet tussen beduidend verskillende diensvlakke en –standaarde en tussen ten minste die volgende onderskei: 'n gemeenskaplike waterdiens (waterdienste wat aan meer as een huishouding verskaf word); waar 'n beheerde (ingekorte of beperkte) volume water aan 'n huishouding verskaf word; waar 'n onbeheerde volume water aan 'n huishouding verskaf word (dit wil sê, die watertoevoervolume is nie vir alle praktiese doeleindes ingekort nie); waar 'n huishouding met 'n riool gekoppel is en waar 'n huishouding nie met 'n riool gekoppel is nie.

Kruissubsidies. Tariewe moet die lewensvatbaarheid en volhoubaarheid van waterverskaffingsdienste aan die armes deur kruissubsidies te ondersteun (waar uitvoerbaar) en verkwistende of ondoeltreffende gebruik te ontmoedig.

Meting. Alle aansluitings wat 'n onbeheerde watertoevoervolume verskaf, moet deur meters gemeet word en tariewe moet in verhouding tot watergebruik toegepas word.

Marginale huishoudelike tarief bo die basiese bedrag. Waar huishoudelike verbruikers net meer as 'n omskrewe basiese hoeveelheid verbruik, is waterdiensowerhede nie geregtig om die volle finansiële koste van die verskaffing van die basiese hoeveelheid te verhaal in die marginale tarief vir die volgende klein inkrement verbruik nie. Met ander woorde, indien die gratis basiese watertoewysing 6 kl per maand is, kan 'n waterdiensowerheid nie van 'n verbruiker wat 7 kl per maand gebruik, verwag om te betaal vir die volle koste om 7 kl per maand te verskaf nie.

Huishoudelike watertariewe vir water wat beduidend meer as 'n omskrewe basiese hoeveelheid verbruik word, mag ten minste die volle regstreekse finansiële koste van die diens wat die omskrewe basiese hoeveelheid oorskry, verhaal, en kan enige eksterne ekonomiese koste en voordele (eksternaliteite) wat met die verskaffing van die diens gepaard gaan, insluitende, waar gepas, die gemiddelde inkrementele koste in ag neem wat aangegaan sou word om die kapasiteit van die water- en afvalwaterinfrastruktuur te vergroot ten einde 'n inkrementele groei in vraag die hoof te bied.

Nywerheid en nie-huishoudelik. Water- en sanitasietariewe vir nywerheids- en ander kategorieë nie-huishoudelike verbruiker moet ten minste die volle regstreekse finansiële koste van die diens verhaal. Tariewe kan enige eksterne ekonomiese koste en voordele (eksternaliteite) in ag neem wat met die verskaffing van die diens gepaard gaan, insluitende, waar gepas, die gemiddelde inkrementele koste wat aangegaan sou word om die kapasiteit van die water- en afvalwaterinfrastruktuur te vergroot ten einde 'n inkrementele groei in vraag die hoof te bied.

Tariefverhogings. Waterdiensteowerhede moet daarna streef om tariefverhogings onder die inflasiekoers te hou. Tariefverhogings moet gebaseer wees op die doeltreffende gebruik van hulpbronne en die werklike insetkosteverhogings wat aangegaan is (byvoorbeeld chemiese en energiekoste). Waar daar geen onlangse uitbreiding van infrastruktuur was nie, behoort dit moontlik te wees om tariefverhogings tot heelwat onder die inflasiekoers te hou weens die feit dat vaste depresiasie en finansieringskoste waarskynlik 'n beduidende aandeel van totale koste sal uitmaak. Omgekeerd, wanneer stelseluitbreiding plaasgevind het en dit tot toenemende depresiasie en finansieringskoste gelei het, kan tariefverhogings wat die inflasiekoers oorskry, nodig wees om die finansiële lewensvatbaarheid van die diens te handhaaf. Waar huidige tariewe nie afdoende vir stelselrehabilitasie en instandhouding voorsiening maak nie, sal tariewe gepas verhoog moet word.

Subsidies. Waar subsidies vir waterdienste toegepas word, sal dit geprioritiseer moet word vir die verskaffing van basiese watervoorsiening en sanitasiedienste ingevolge die gratis basiese water- en gratis basiese sanitasiebeleid.

Spesiale tariewe. Waterdiensteowerhede kan spesiale tariewe gedurende tydperke van waterbeperkings implementeer om watergebruik tot binne volhoubare vlakke te verminder.

Kredietbeheer

Effektiewe kredietbeheer is 'n uiters belangrike komponent van die verskaffing van 'n betroubare en effektiewe diens aan alle gemeenskappe en verbruikers. Versuim om billike kredietbeheerbeleide konsekwent toe te pas, kan meebring dat verbruikers en hele gemeenskappe sonder water gaan.

Waterdiensteowerhede het die verantwoordelikheid om 'n kredietbeheerbeleid te ontwikkel. Hierdie beleid moet vir kredietbeheerprosedures voorsiening maak wat billik en regverdig is, vir waarskuwing en afdoende kennisgewing voorsiening maak, vir verbruikersvertoë voorsiening maak, alternatiewe betaalreëlings toelaat en 'n billike prosedure uiteensit wat in die geval van nie-betaling toegepas sal word. Waar 'n verbruiker voortgaan om te versuim om vir dienste wat verskaf is te betaal na die toepassing van sodanige prosedures en 'n billike waarskuwing, moet 'n munisipaliteit stappe kan doen wat sy finansiële verlies sal beperk en goeie betaalgewoontes sal bevorder.

Wanneer 'n munisipaliteit sy kredietbeheerbeleid formuleer, moet hy die impak van kredietbeheermeganismes (en die gebrek daaraan) op die gemeenskap, die bestaande diensleweringskonteks, die noodsaaklikheid vir finansiële lewensvatbaarheid om die volhoubare verskaffing van dienste en die effektiwiteit van die voorgestelde kredietbeheermeganismes in ag neem.

Die volgende beginsels moet in die kredietbeheerbeleid geïnkorporeer word:

Deernis: Plaaslike regering moet 'n kredietbeheerbeleid ontwikkel en implementeer wat deernis toon, veral teenoor arm en kwesbare huishoudings. Dit beteken dat prioriteit verleen moet word aan die verskaffing van 'n betroubare, veilige, volhoubare en bekostigbare waterverskaffings- en sanitasiediens aan alle huishoudings, insluitende die armes. Beleid en prosedures moet die oploping van slegte skuld en die hoë koste wat met inkortings of stakings en heraansluitings gepaard gaan, probeer vermy.

Kommunikasie: Verbruikers moet ingelig word ten opsigte van waterverbruik, kredietbeheer, skuldinvordering en stakingsbeleid, kredietbeheerprosedures en verbruikers se verantwoordelikhede. Kommunikasie moet duidelik en toeganklik wees en, waar prakties, in die huistaal van die verbruiker.

Billike proses: Alle inkortings en stakings moet ingevolge 'n billike en deursigtige proses gedoen word en as gevolg van die versuim van 'n verbruiker (of verbruikers) om hulle verpligtinge ingevolge 'n verbruikerskontrak na te kom.

Waarskuwing: Huishoudelike verbruikers moet voor enige kredietbeheerstappe 'n waarskuwing ontvang.

Inkorting van huishoudelike aansluitings: In die eerste instansie, en nadat behoorlike regsprosedure gevolg is (insluitende 'n waarskuwing), moet huishoudelike wateraansluitings ingekort en nie gestaak word nie, wat verseker dat ten minste 'n basiese watertoevoer beskikbaar is. (Slegs waar die koste wat met die inkorting van waterdienste op hierdie wyse gepaard gaan, 'n aansienlike en beduidende uitwerking op die volhoubare verskaffing van waterdienste aan die breër gemeenskap sal hê, mag waterdienste gestaak word nadat behoorlike prosedures gevolg is.)

Peutering: Staking (na 'n waarskuwing) kan gepas wees waar daar met dienstetoerusting gepeuter is, aangesien peutering die gesondheid van verbruikers en die behoorlike funksionering van die stelsel in gevaar kan stel.

Inmenging: Waar 'n huishoudelike verbruiker se toegang tot waterdienste (ingevolge 'n gepaste beleid en prosedure) ingekort is en daardie verbruiker op 'n wyse met die inkorting inmeng wat

die inkorting minder effektief maak, kan die munisipaliteit so 'n verbruiker se diens (na 'n waarskuwing) staak tot tyd en wyl die verbruiker 'n reëling vir die vereffening van die uitstaande bedrag getref het en enige boete betaal het wat die waterdiensteverskaffer kan oplê.

Staking van watertoevoer: 'n Waterdiensteverskaffer het slegs die reg om waterdienste van huishoudelike waterverbruikers te staak waar al die bogenoemde bepalings gevolg is. 'n Waterdiensteverskaffer het die reg om waterdienste van nie-huishoudelike waterverbruikers te staak wanneer 'n nie-huishoudelike verbruiker sy kontrak met die waterdiensteverskaffer geskend het, mits 'n billike proses gevolg is.

Benewens bostaande, kan verskeie alternatiewe of aanvullende kredietbeheermeganismes oorweeg word waar dit gepas is.

Verantwoordelikheid vir die implementering van kredietbeheer: Waterdiensteverskaffers het die verantwoordelikheid om kredietbeheer te implementeer (ingevolge die kredietbeheerbeleid wat deur die waterdiensteowerheid opgestel is) waar hulle die finansiële risiko aanvaar en die verantwoordelikheid vir die insameling van gebruikergelde het. Waar dit nie die geval is nie, het die waterdiensteowerheid die verantwoordelikheid om kredietbeheer self te implementeer. Ten einde die finansiële lewensvatbaarheid van 'n waterdiensteverskaffer te verseker, moet die waterdiensteowerheid die waterdiensteverskaffer die reg gee om waterdienste-aansluitings in te kort en te staak, onderworpe aan die kredietbeheerbeleid wat deur die waterdiensowerheid gemaak en ontwikkel is ingevolge die beleid wat in hierdie Witskrif uiteengesit word.

Balansering van regte en verantwoordelikhede: Die inkorting en staking van waterdienste is 'n sensitiewe kwessie wat die balansering van regte en verpligtinge verg. Verbruikers het 'n reg op 'n basiese waterverskaffings- en sanitasiediens. Hierdie reg beliggaam egter ook die verpligting om daardie reg redelik en ooreenkomstig algemene beperkings op daardie reg uit te oefen. Terselfdertyd moet waterdiensteowerhede volhoubare verskaffing van waterdienste verseker en die finansiële lewensvatbaarheid van die waterdiensteverskaffer beveilig. Hierdie regte en verantwoordelikhede moet duidelik aan verbruikers gekommunikeer word.

Verordening No. 8, 2008

VERORDENING OP BOUBEHEER, 2008

VERORDENING

Om voorsiening te maak vir die beheer oor geboue opgerig in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**boubeheerbeampte**" iemand wat ingevolge artikel 5 van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977), as boubeheerbeampte aangestel is of geag word aangestel te wees;

"**gebou**" ook –

(a) enige ander struktuur, hetsy tydelik of permanent van aard en ongeag die materiale wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met -

(i) die huisvesting of gerief van mense of diere;

(ii) die vervaardiging, verwerking, opberging, uitstalling of verkoop van enige goed;

(iii) die lewering van enige diens;

(iv) die vernietiging of behandeling van vullis of afvalstowwe;

(v) die kweek van enige plant of gewas;

(b) 'n muur, swembad, swempoel, reservoir of brug of 'n ander struktuur wat daarmee in verband staan;

(c) 'n brandstofpomp of 'n tenk wat in verband daarmee gebruik word;

(d) enige gedeelte van 'n gebou, met inbegrip van 'n gebou soos omskryf in paragraaf (a), (b) of (c);

(e) enige fasiliteite of stelsel, of gedeelte of deel daarvan, binne of buite maar gepaardgaande met 'n gebou, vir die verskaffing van 'n watervoorsienings-, dreinerings-, riool-, stormwaterafvoer-, elektrisiteitsvoorsienings- of ander soortgelyke diens ten opsigte van die gebou;

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" die Thembelihle munisipaliteit; en

"**Wet**" die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet No. 103 van 1977) en ook 'n regulasie kragtens artikel 17 van die Wet gemaak.

Geboue op grond moet op planne aangetoon word

2. (1) Behoudens die bepalings van hierdie Verordening, reik die Munisipaliteit nie 'n sertifikaat genoem in artikel 118(1) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), ten opsigte van grond uit nie, tensy die Munisipaliteit tevrede is dat –

(a) enige gebou op die grond ten opsigte waarvan planne en spesifikasies ingevolge die Wet opgestel en aan die Munisipaliteit vir goedkeuring voorgelê moet word, behoorlik ooreenkomstig daardie planne en spesifikasies opgerig is en onderhou word; en

(b) dat geen gebou in paragraaf (a) beoog, ten opsigte waarvan planne en spesifikasies nie deur die Munisipaliteit goedgekeur is op die grond opgerig is nie; en

(c) elke gebou wat op die grond opgerig is aan al die vereistes van die Wet voldoen; of

(d) daar geen gebou op die grond is nie,

en 'n skriftelike verklaring tot daardie effek maak.

(2) 'n Aansoek by die Munisipaliteit vir die uitreiking van 'n sertifikaat genoem in artikel 118(1) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), gaan, behoudens artikel 4, vergesel van die verklaring in subartikel (1) genoem.

Aansoek vir en uitreiking van verklaring

3. (1) 'n Aansoek vir die uitreiking van 'n verklaring in artikel 2(1) genoem –

(a) word aan die Munisipale Bestuurder gerig;

(b) word in skrif gedoen op die vorm deur die Munisipaliteit vir daardie doel voorsien; en

(c) gaan vergesel van die voorgeskrewe gelde.

(2) Die Munisipale Bestuurder verwys die aansoek na die boubeheerbeampte, wat 'n inspeksie van die onderhawige grond doen of laat doen en 'n aanbeveling aangaande die aansoek aan die Munisipaliteit maak.

(3) Nadat die Munisipaliteit die aanbeveling van die boubeheerbeampte oorweeg het

(a) maak hy die verklaring in artikel 2(1) genoem; of

(b) weier hy om die verklaring te maak,

en verwittig dadelik die aansoeker per brief dienooreenkomstig.

(4) Indien die Munisipaliteit weier om die verklaring te maak, verstrek hy skriftelik redes vir sy besluit wanneer hy die aansoeker van die besluit verwittig en dui aan watter stappe geneem moet word alvorens 'n verdere aansoek kragtens subartikel (1) voorgelê kan word.

Versuim deur die Munisipaliteit om binne 'n sekere tydperk te handel

4. Sou die Munisipaliteit versuim om binne 'n tydperk van 30 dae nadat die aansoek kragtens artikel 3(1) gedoen is, ooreenkomstig artikel 3(3) te handel, word dit geag dat die Munisipaliteit die verklaring in artikel 2(1) genoem gemaak het.

Delegasie van bevoegdhede

5. Die Munisipaliteit kan, behoudens die voorwaardes wat hy bepaal, enige van sy bevoegdhede kragtens hierdie Verordening aan die Munisipale Bestuurder delegeer.

Kort titel

6. Hierdie Verordening heet die Verordening op Boubeheer, 2008

Verordening No. 9, 2008

MUNISIPALE TAXISTAANPLEK VERORDENING, 2008

VERORDENING

Om voorsiening te maak vir die instelling, instandhouding en bestuur van munisipale taxistaanplekke in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**Bestuurder: Verkeersdienste**" die munisipale verkeersbeampte aangestel deur die Munisipaliteit as hoof van die komponent van die Munisipaliteit wat vir die administrasie van padverkeersaangeleenthede verantwoordelik is;

"**boekjaar**" 'n jaar wat op die eerste dag van Julie van enige jaar begin en op die laaste dag van Junie van die volgende jaar eindig;

"**bus**" 'n bus soos omskryf in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996);

"**hierdie Verordening**" ook die reëls beoog in artikel 2, wat nagekom moet word by munisipale taxistaanplekke;

"**motorvoertuig**" 'n motorvoertuig soos omskryf in artikel 1 van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996);

"**Munisipale Bestuurder**" die persoon deur die Munisipaliteit aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**munisipale taxistaanplek**" 'n gebied afgebaken ingevolge artikel 2(2) vir die gebruik van taxis wat geldige parkeerpermitskyfies vertoon om te parkeer en passasiers op- en af te laai en ook die wagarea van so 'n taxistaanplek;

"**munisipale verkeersbeampte**" 'n verkeersbeampte deur die Munisipaliteit ingevolge die bepalings van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996), of, na gelang van die geval, 'n Wet deur daardie Wet herroep, aangestel;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**parkeerpermitskyfie**" 'n skyfie uitgereik ingevolge artikel 4 wat deur 'n taxi wat gebruik maak van 'n munisipale taxistaanplek vertoon moet word; en

"**taxi**" 'n motorvoertuig, maar nie 'n bus nie, wat teen loon of vergoeding gebruik word vir die vervoer van passasiers of bagasie.

Munisipaliteit kan munisipale taxistaanplekke instel, in stand hou en bestuur

2. (1) Die Munisipaliteit kan, binne sy regsgebied, munisipale taxistaanplekke instel, in stand hou en bestuur.

(2) 'n Munisipale taxistaanplek word by kennisgewing in die *Provinsiale Koerant* afgebaken.

(3) By die ingang van elke munisipale taxistaanplek en ook by die ingang van die wagarea daarvan, word 'n kennisgewingbord vertoon waarop die reëls wat by daardie staanplek of area deur, onderskeidelik –

(a) bestuurders van taxis;

(b) eienaars van taxis; of

(c) lede van die publiek,

wat ingaan by, parkeer op of van taxidienste by daardie staanplek of area gebruik maak, nagekom moet word.

(4) Reëls in subartikel (3) beoog, word deur die Munisipaliteit aangeneem en in die *Provinsiale Koerant* afgekondig.

Taxis moet parkeerpermitskywe vertoon wanneer hulle by munisipale taxistaanplekke inbestuur of parkeer word

3. (1) Geen taxi word by 'n munisipale taxistaanplek inbestuur of parkeer nie, sonder dat dit 'n parkeerpermitskyf, aangebring ooreenkomstig die voorskrifte van subartikel (2), vertoon nie.

(2) Die parkeerpermitskyf in subartikel (1) genoem, word op sò 'n manier op die linkerkant van die voorruit van die taxi aangebring dat die gesig daarvan duidelik sigbaar en die inskrywings daarop maklik leesbaar is deur iemand wat voor- of links voor die taxi staan.

(3) 'n Parkeerpermitskyf –

(a) is van die ontwerp en bevat die besonderhede in die Bylae vervat; en

(b) is van die kleur of word saamgestel uit 'n kleurkombinasie deur die Munisipaliteit vir die betrokke boekjaar bepaal.

Aansoek om, uitreiking en duur van parkeerpermitskyf

4. (1) Die eienaar van 'n taxi wat begerig is om van die munisipale taxistaanplekke gebruik te maak moet skriftelik vir elke taxi wat van sodanige taxistaanplekke gebruik gaan maak, by die Munisipaliteit vir die uitreiking van 'n parkeerpermitskyf aansoek doen.

(2) 'n Aansoek vir die uitreiking van 'n parkeerpermitskyf –

(a) moet in die vorm deur die Munisipaliteit bepaal wees;

(b) word aan die Munisipale Bestuurder gerig;

(c) gaan vergesel van die gelde deur die Munisipaliteit bepaal;

(d) word, ten opsigte van die daaropvolgende boekjaar, nie later as die laaste dag van April van elke jaar gedoen nie.

(3) By ontvangs van die aansoek oorweeg die Munisipale Bestuurder die aansoek en, nie later as die laaste dag van Mei van die betrokke jaar nie –

(a) reik hy of sy die parkeerpermitskyf aan die aansoeker uit; of

(b) verwittig hy of sy die aansoeker skriftelik, met opgaaf van redes, dat die aansoek onsuksesvol was.

(4) Indien die Munisipale Bestuurder die aansoek afgekeur het –

(a) as gevolg van 'n tekortkoming in die aansoek wat deur die aansoeker reggestel kan word, kan die aansoeker die tekortkoming regstel en, sonder om enige verdere gelde te betaal, die aansoek weer indien;

(b) vir enige ander rede, kan 'n nuwe aansoek vir dieselfde tydperk ten opsigte van dieselfde taxi nie weer gebring word nie, maar die aansoeker kan teen die besluit van die Munisipale Bestuurder appelleer, in welke geval die bepalings van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), *mutatis mutandis* geld.

(5) Waar 'n aansoek vir die uitreiking van 'n parkeerpermitskyf gedurende 'n boekjaar vir die restant van daardie boekjaar gedoen word, word die aansoek binne 'n redelike tyd deur die Munisipale Bestuurder verwerk en afgehandel.

(6) Die eienaar van 'n taxi wat van 'n munisipale taxistaanplek gebruik maak –

(a) hou deurentyd geskrewe rekord van die identiteit van die bestuurder van sodanige taxi op enige gegewe tyd, indien hy of sy nie self die betrokke taxi bestuur nie;

(b) hou sodanige rekord ten minste vir 'n jaar na die einde van die boekjaar waarin dit gemaak is; en

(c) maak, op versoek van 'n munisipale verkeersbeampte, die rekords vir insae aan die Munisipaliteit beskikbaar.

(7) 'n Parkeerpermitskyf verval aan die einde van elke boekjaar.

Vermoede dat eienaar taxi bestuur of parkeer het

5. Ondanks die bepalings van artikel 4(6), geld die bepalings van artikel 73 van die Nasionale Padverkeerswet, 1996 (Wet No. 93 van 1996), *mutatis mutandis* ten opsigte van 'n taxi wat van 'n munisipale taxistaanplek gebruik maak.

Beslaglegging en skut van taxis by munisipale taxistaanplekke

6. (1) 'n Munisipale verkeersbeampte kan, ongeag enige vervolging ingevolge hierdie Verordening, op 'n taxi by 'n munisipale taxistaanplek beslag lê en dit vir 'n tydperk van 7 dae skut, indien –

(a) die taxi by 'n munisipale taxistaanplek inbestuur of parkeer word sonder dat dit 'n geldige parkeerpermitskyf ooreenkomstig die voorskrifte van artikel 3(2) vertoon;

(b) die taxi, strydig met 'n reël wat by daardie taxistaanplek deur die eienaar of bestuurder van 'n taxi wat van die taxistaanplek gebruik maak, geparkeer en sonder toesig gelaat word; of

(c) die eienaar of bestuurder van 'n taxi 'n reël wat by daardie taxistaanplek nagekom moet word oortree en na 'n teregwysing deur 'n munisipale verkeersbeampte om die oortreding te staak, daarmee volhou.

(2) 'n Taxi wat ingevolge subartikel (1) geskut is, word aan die eienaar daarvan terugbesorg by betaling van die skutgelde deur die Munisipaliteit ten opsigte van munisipale taxistaanplekke bepaal, indien dit verlang word dat die taxi voor verstryking van die 7-dae tydperk vrygestel moet word.

(3) Niemand mag 'n munisipale verkeersbeampte by die uitvoering van sy of haar pligte ingevolge subartikel (1) hinder, pla of dwarsboom nie.

Delegasie

7. Die Munisipale Bestuurder kan skriftelik die bevoegdhede en werksaamhede by artikel 4 aan hom of haar verleen, aan die Bestuurder: Verkeersdienste delegeer.

Strafbepaling

8. (1) Iemand wat –

(a) 'n regmatige bevel van 'n munisipale verkeersbeampte by 'n munisipale taxistaanplek oortree of versuim om daaraan te voldoen; of

(b) 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1), is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

9. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

10. Hierdie Verordening heet die Munisipale Taxistaanplekverordening, 2008

BYLAE

(Artikel 3(3)(a))

1. 'n Parkeerpermitskyf is sirkelvormig, met 'n deursneë van 75 millimeter.

2. Die woorde "PARKING PERMIT • THEMBELIHLE MUNICIPALITY/PARKEERPERMIT • THEMBELIHLE MUNISIPALITEIT" word op die skyf gedruk en voorsiening word op die skyf gemaak vir inskrywings wat –

   (a) die naam van die eienaar van die taxi;

   (b) die registrasienommer van die taxi;

   (c) die boekjaar ten opsigte waarvan die permit uigereik is; en

   (d) die nommer van die permit,

   aantoon.

Verordening No. 10, 2008

ELEKTRISITEITSVERORDENING, 2008

VERORDENING

Om voorsiening te maak vir die lewering van 'n elektrisiteitsdiens in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

INDELING VAN ARTIKELS

HOOFSTUK 1
ALGEMEEN

HOOFSTUK 2
ALGEMENE VOORWAARDES VIR VOORSIENING

HOOFSTUK 10
HERROEPING VAN WETTE

BYLAE 1

Wette wat herroep is

BYLAE 2

"**Toepaslike standaardspesifikasie**" beteken

HOOFSTUK 1
ALGEMEEN

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**bewys**" die noodsaaklike element van 'n kragbegroterstelsel wat gebruik word om inligting oor te dra van 'n verkooppunt vir elektrisiteitkrediet na 'n kragbegroter en *vice versa*;

"**diensaansluiting**" al die kabels en toerusting wat nodig is om die hoofleiding by die verbruiker se elektriese installasie aan te sluit by die voorsieningspunt;

"**diensbeveiligingstoestel**" enige sekering of stroombreker wat geïnstalleer word met die doel om die Munisipaliteit se toerusting te beskerm teen oorbelasting of foute wat op die installasie of op die interne diensaansluiting voorkom;

"**eienaar**" met betrekking tot 'n perseel, die persoon by wie die regstitel daarvan berus: Met dien verstande dat –

(a) in die geval van onroerende eiendom –

(i) wat vir 'n tydperk van minstens 50 jaar verhuur word, ongeag of die huurkontrak geregistreer is of nie, die huurder daarvan; of

(ii) wat voordelig geokkupeer word kragtens 'n serwituut of reg analoog daarmee, die okkupeerder daarvan;

(b) indien die eienaar soos hierbo omskryf –

(i) dood of insolvent is, sy of haar boedel tot voordeel van sy of haar skuldeisers afgestaan het, ingevolge 'n hofbevel onder kuratele geplaas is, of 'n maatskappy is wat gelikwideer of onder geregtelike bestuur geplaas is, die persoon by wie die administrasie van sodanige eiendom berus as eksekuteur, administrateur, trustee, regverkrygende, kurator, likwidateur of geregtelike bestuurder, na gelang van die geval; of

(ii) nie in die Republiek van Suid-Afrika aanwesig is nie, of indien sy of haar adres aan die Munisipaliteit onbekend is, iemand wat as agent of andersins die huurgeld ten opsigte van sodanige eiendom ontvang of geregtig is om dit te ontvang; en

(c) indien die Munisipaliteit nie kan vasstel wie sodanige persoon is nie, word die persoon wat geregtig is op die voordelige gebruik van sodanige eiendom geag die eienaar daarvan te wees met die uitsluiting van die persoon by wie die regstitel daarvan berus;

"**elektriese installasie**" 'n elektriese installasie soos omskryf in die Regulasies;

"**elektriese kontrakteur**" 'n elektriese kontrakteur soos omskryf in die Regulasies;

"**geakkrediteerde persoon**" 'n persoon wat ingevolge die Regulasies, na gelang van die geval, as 'n elektriese toetser vir enkelfase, 'n installasie-elektrisiën of 'n meesterinstallasie-elektrisiën, geregistreer is;

"**gereedsheidstoevoer**" 'n alternatiewe toevoer van elektrisiteit wat nie gewoonlik deur die verbruiker verbruik word nie;

"**hoë spanning**" die stel nominale spanningsvlakke wat in kragstelsels vir grootmaattransmissie van elektrisiteit in die omgewing van 44 kV < Un □ 220 kV gebruik word [SANS 1019];

"**hoofleiding**" enige deel van die Munisipaliteit se elektrisiteitsnetwerk;

"**kragbegroter**" 'n vooruitbetaalmeter wat geprogrammeer kan word om die vloei van hoeveelhede vooruitbetaalde energie in 'n elektriese stroomkring toe te laat;

"**kredietmeter**" 'n meter waar 'n rekening uitgereik word nadat elektrisiteit verbruik is;

"**lae spanning**" die stel nominale spanningsvlakke wat gebruik word vir die verspreiding van elektrisiteit en waarvan die boonste perk oor die algemeen aanvaar word as 'n ws-spanning van 1000 V (of 'n gs-spanning van 1500 V) [SANS 1019];

"**medium spanning**" die stel nominale spanningsvlakke bo lae spanning en benede hoë spanning in die omgewing van 1 kV < Un □ 44 kV [SANS 1019];

"**meetpunt**" die punt waar die verbruiker se elektrisiteitsverbruik gemeet word en wat by die voorsieningspunt of by enige ander punt op die verspreidingstelsel van die Munisipaliteit of die elektriese installasie van die verbruiker kan wees soos deur die Munisipaliteit of enige behoorlik gemagtigde beampte van die Munisipaliteit aangedui met dien verstande dat dit alles, en slegs, die verbruiker se verbruik van elektrisiteit meet;

"**meter**" 'n toestel wat die aanvraag of die elektriese energie wat verbruik word, aandui en ook konvensionele meters en kragbegroters;

"**motoraansitstroom**" met betrekking tot wisselstroommotore, die gemiddelde vierkantwortelwaarde van die simmetriese stroom wat deur 'n motor verbruik word wanneer dit aangedryf word volgens die geraamde spanning daarvan met die aansitter in aansitposisie en die rotor gesluit;

"**motorlas totaal aangeskakel**" die somtotaal van die kW-vermoë van al die afsonderlike motore wat by 'n installasie aangesluit is;

"**motorvermoë**" die maksimum aanhoudende kW-lewering van 'n motor soos vermeld op die vervaardiger se kenplaatjie;

"**Munisipale Bestuurder**" die persoon deur die Munisipaliteit aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" beteken die Thembelihle munisipaliteit;

"***nakomingsertifikaat***" *'n sertifikaat wat ingevolge die Regulasies ten opsigte van 'n* elektriese installasie of gedeelte van 'n elektriese installasie deur 'n geakkrediteerde persoon uitgereik word;

"**okkupeerder**" met betrekking tot 'n perseel –

(a) iemand wat sodanige perseel werklik okkupeer;

(b) iemand wat wetlik daarop geregtig is om sodanige perseel te okkupeer;

(c) in geval van sodanige perseel wat onderverdeel is en wat aan loseerders of verskillende huurders verhuur word, die persoon wat die huurgeld ontvang wat deur sodanige loseerders of huurders betaalbaar is, hetsy vir sy of haar eie rekening of as agent vir iemand wat daarop geregtig is of belang daarby het; of

(d) iemand wat by die beheer of bestuur van sodanige perseel betrokke is, en behels ook die agent van sodanige persoon wanneer hy of sy nie in die Republiek aanwesig is, of as sy of haar verblyfplek onbekend is;

"**perseel**" enige grond of enige struktuur bo of benede grondvlak en behels ook enige voertuig, vliegtuig of vaartuig;

"**Regulasies**" die Regulasies opgestel ingevolge die Wet op Beroepsgesondheid en – Veiligheid, 1993 (Wet No. 85 van 1993) en afgekondig by G.K. R2920 van 23 Oktober 1992, soos gewysig;

"**spanning**" die gemiddelde vierkantswortelwaarde van elektriese potensiaal tussen twee geleiers;

"**tarief**" die Munisipaliteit se gelde gehef vir die voorsiening van elektrisiteit;

"**toepaslike standaardspesifikasie**" die standaardspesifikasie soos gelys in Bylae 2;

"**veiligheidstandaard**" die Gebruikskode vir die Bedrading van Persele SANS 10142-1 geïnkorporeer in die Regulasies;

"**verbruiker**", met betrekking tot 'n perseel –

(i) enige okkupeerder daarvan of enige ander persoon met wie die Munisipaliteit ooreengekom het om elektrisiteit daar te voorsien of dit inderdaad daar voorsien; of

(ii) indien sodanige perseel nie bewoon word nie, iemand wat 'n geldige bestaande ooreenkoms met die Munisipaliteit het vir die voorsiening van elektrisiteit aan sodanige perseel; of

(iii) indien daar geen sodanige persoon of okkupeerder is nie, die eienaar van die perseel;

"**verbruikspunt**" *'n verbruikspunt soos omskryf in die* Regulasies;

"**voorsieningspunt**" die punt soos bepaal deur die Munisipaliteit of enige ander behoorlik gemagtigde beampte van die Munisipaliteit vanwaar elektrisiteit aan enige perseel deur die Munisipaliteit voorsien word; en

"**wet**" enige toepaslike wet, proklamasie, ordonnansie, Wet van die Parlement of wetsbepaling wat regskrag het;

Ander uitdrukkings

2. Alle ander uitdrukkings wat in hierdie Verordening gebruik word, het, tensy die samehang andersins vereis, dieselfde betekenis wat daaraan geheg word in die Elektrisiteitswet, 1987 (Wet No. 41 van 1987).

Opskrifte en titels

3. Die opskrifte en titels in hierdie Verordening beïnvloed nie die uitleg daarvan nie.

HOOFSTUK 2
ALGEMENE VOORWAARDES VIR VOORSIENING

Voorsiening van elektrisiteitsdienste

4. Slegs die Munisipaliteit mag elektrisiteit voorsien of 'n ooreenkoms aangaan om elektrisiteit binne sy regsgebied te voorsien.

Voorsiening volgens ooreenkoms

5. Niemand mag gebruik maak of voortgaan om gebruik te maak van 'n toevoer van elektrisiteit van die Munisipaliteit nie, tensy of totdat sodanige persoon 'n skriftelike ooreenkoms met die Munisipaliteit vir sodanige toevoer aangegaan het, en sodanige toevoer word in alle opsigte deur sodanige ooreenkoms saam met die bepalings van hierdie Verordening beheer. As 'n persoon 'n toevoer van elektrisiteit verbruik sonder om 'n ooreenkoms aan te gaan, is hy of sy aanspreeklik vir die koste van die elektrisiteit soos uiteengesit in artikel 44.

Betekening van kennisgewing

6. (1) Enige kennisgewing of ander dokument word geag as aan iemand beteken te wees wanneer dit ingevolge hierdie Verordening aan iemand beteken is indien –

(a) dit persoonlik by daardie persoon afgelewer is;

(b) dit by daardie persoon se woonplek of sakeonderneming in die Republiek gelaat is by 'n persoon wat klaarblyklik ouer as sestien jaar is;

(c) dit per geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woonadres of sakeadres in die Republiek gepos is en 'n erkenning dat dit gepos is van die posdiens verkry is;

(d) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit op daardie persoon se agent of verteenwoordiger in die Republiek beteken word op 'n manier bepaal in paragrawe (a), (b) of (c); of

(e) daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opsigtelike plek gepos is op die eiendom of perseel, indien enige, waarmee dit verband hou.

(2) Wanneer enige kennisgewing of ander dokument gemagtig of beteken word op die eienaar, okkupeerder of houer van enige eiendom of regte in enige eiendom, is dit voldoende as daardie persoon in die kennisgewing of ander dokument beskryf word as die eienaar, okkupeerder of houer van die eiendom of betrokke reg, en is dit nie nodig om daardie persoon se naam te verstrek nie.

(3) Enige prosesstuk is deugdelik aan die Munisipaliteit beteken as dit by die Munisipale Bestuurder se kantoor afgelewer word of by 'n persoon wat by die Munisipale Bestuurder se kantoor op diens is.

Nakoming van kennisgewings

7. Iemand aan wie 'n kennisgewing wat behoorlik uitgereik of gegee is ingevolge hierdie Verordening, beteken word, moet die bepalings daarvan binne die tydperk wat daarin vermeld word, nakom.

Aansoek om voorsiening van elektrisiteit

8. (1) Aansoek om die voorsiening van elektrisiteit moet skriftelik deur die voornemende verbruiker op die voorgeskrewe vorm verkrygbaar by die kantoor van die Munisipaliteit gedoen word en die installasie se geraamde las in kV.A moet op die aansoek vermeld word. Sodanige aansoek moet gerig word so lank as moontlik voor die toevoer verlang word ten einde die werk van die Munisipaliteit te vergemaklik.

(2) 'n Aansoek om voorsiening van elektrisiteit vir 'n tydperk van minder as 'n jaar word beskou as 'n aansoek om 'n tydelike voorsiening van elektrisiteit en word oorweeg na goeddunke van die Munisipaliteit of enige behoorlik gemagtigde beampte van die Munisipaliteit wat enige spesiale voorwaardes mag stel wat in sodanige geval nagekom moet word.

Verwerking van aansoeke om voorsiening

9. Aansoeke om die voorsiening van elektrisiteit word verwerk en die toevoer beskikbaar gestel binne die tydperke soos in NRS 047 aangedui.

Deurgangsregte

10. (1) Die Munisipaliteit kan weier om 'n diensaansluiting bo of onder die grond op te rig of te lê op enige deurgang wat nie by die Munisipaliteit berus nie of op enige private eiendom, tensy en totdat die voornemende verbruiker die skriftelike toestemming verkry het van die eienaar van die genoemde private eiendom of van die persoon by wie die regstitel van die grond berus waarop enige sodanige deurgang soos bogemeld, bestaan, na gelang van die geval, en dit by die Munisipaliteit ingedien het, waardeur magtiging vir die lê of oprigting van 'n diensaansluiting daarop verleen word.

(2) As sodanige toestemming op enige tydstip teruggetrek word of as die bogemelde private eiendom of deurgang in ander hande oorgaan en die nuwe eienaar weier om sodanige toestemming te verleen of te laat voortduur, moet die koste van enige verandering wat aan die diensaansluiting aangebring moet word ten einde die toevoer van elektrisiteit in stand te hou, en van die verwydering daarvan wat

onder omstandighede nodig mag wees, deur die verbruiker van die perseel waarna die toevoer voortgesit word, gedra word.

Statutêre serwituut

11. (1) Behoudens die bepalings van subartikel (3) kan die Munisipaliteit binne sy munisipale gebied –

(a) elektrisiteitsdienste voorsien, vestig en in stand hou;

(b) 'n hoofleiding vir elektrisiteit verkry, oprig, lê, verleng, vergroot, omlei, in stand hou, herstel, die verbruik beëindig, sluit en vernietig;

(c) enige hoofleiding vir elektrisiteit aanlê, oprig of lê op, oor, deur, bo of onder enige straat of onroerende eiendom en die eienaarskap van enige sodanige hoofleiding berus by die Munisipaliteit;

(d) enigiets anders doen wat nodig of wenslik is vir of bykomstig of aanvullend tot of ondergeskik aan enige saak beoog by paragrawe (a) tot (c).

(2) Indien die Munisipaliteit enige hoofleiding vir elektrisiteit aanlê, oprig of lê op, oor, deur, bo of onder enige straat of onroerende eiendom wat nie aan die Munisipaliteit behoort of nie deur die Munisipaliteit beheer of bestuur word nie, betaal die Munisipaliteit die eienaar van sodanige straat of eiendom vergoeding volgens 'n bedrag waaroor die eienaar en die Munisipaliteit ooreengekom het of, by afwesigheid van 'n ooreenkoms, soos óf deur arbitrasie óf deur 'n geregshof bepaal.

(3) Die Munisipaliteit gee, voordat dit begin met enige werk behalwe herstelwerk of instandhouding aan of in verband met enige toevoer van elektrisiteit op onroerende eiendom wat nie aan die Munisipaliteit behoort nie, aan die eienaar of okkupeerder van sodanige eiendom redelike kennis van die voorgestelde werk en die datum waarop die Munisipaliteit beoog om met sodanige werk te begin.

Reg van toegang om inspeksie te doen, te toets of instandhoudingswerk te doen

12. (1) Die Munisipaliteit, deur sy werknemers, kontrakteurs en hul assistente en adviseurs, het toegang tot en oor enige eiendom ten einde –

(a) enigiets te doen wat gemagtig is of vereis word om deur die Munisipaliteit ingevolge hierdie Verordening of enige ander wet gedoen te word;

(b) enige dienshoofleiding en enigiets wat daarmee verband hou te inspekteer en te ondersoek;

(c) navraag te doen oor enige moontlike bron van toevoer van elektrisiteit of die geskiktheid van onroerende eiendom vir enige skema of onderneming van die Munisipaliteit, en enige nodige opname in verband daarmee te doen;

(d) vas te stel of daar enige oortreding van die bepalings van hierdie Verordening of enige ander wet is of was; en

(e) nakoming van die bepalings van hierdie Verordening of enige ander wet af te dwing.

(2) Die Munisipaliteit betaal aan iemand wat skade gely het as gevolg van die uitoefening van die reg van toegang ingevolge subartikel (1), behalwe waar die Munisipaliteit gemagtig is om op die betrokke eiendom enige werk te verrig op die koste van sodanige persoon of enige ander persoon, skadevergoeding ten bedrae van 'n bedrag waarop die Munisipaliteit en sodanige persoon ooreengekom het of, as daar nie 'n ooreenkoms aangegaan is nie, soos deur arbitrasie of 'n geregshof bepaal.

(3) 'n Werknemer van die Munisipaliteit wat deur sodanige Munisipaliteit daartoe gemagtig is, kan deur 'n skriftelike kennisgewing aan die eienaar of okkupeerder van enige eiendom te beteken, van sodanige eienaar of okkupeerder vereis om op die dag en uur soos in sodanige kennisgewing aangedui, toegang tot sodanige eiendom aan 'n persoon en vir 'n doel soos beoog in subartikel (1) te verskaf.

Weiering of versuim om inligting te verstrek

13. Niemand weier of versuim om die inligting te verstrek wat 'n behoorlik gemagtigde beampte van die Munisipaliteit redelikerwys van hom of haar verlang nie, of verstrek vals inligting aan enige sodanige beampte insake enige installasiewerk wat voltooi is of beoog word nie.

Weiering van toegang

14. Niemand mag enige behoorlik gemagtigde beampte van die Munisipaliteit in die uitvoering van sy of haar pligte ingevolge hierdie Verordening of van enige pligte wat daarmee verband hou of in verband daarmee staan nie opsetlik hinder, belemmer, in die pad staan of toegang weier nie.

Onbehoorlike verbruik

15. As die Munisipaliteit redelike gronde het om te glo dat die verbruiker die elektrisiteit vir enige doel of op enige wyse gebruik wat op 'n onbehoorlike en onveilige wyse inmeng of daarop bereken is om op 'n onbehoorlike en onveilige wyse in te meng met die doeltreffende voorsiening van elektrisiteit aan enige verbruiker, kan die Munisipaliteit met of sonder kennisgewing sodanige toevoer afsluit, maar sodanige toevoer word weer herstel sodra die oorsaak van die afsluiting permanent reggestel of verwyder is. Die verbruiker betaal die gelde soos deur die Munisipaliteit voorgeskryf vir die afsluiting en aansluiting voor die toevoer van elektrisiteit herstel word, tensy dit bewys kan word dat die verbruiker nie die elektrisiteit op 'n onbehoorlike of onveilige wyse verbruik of hanteer het nie.

Elektrisiteitstariewe en –gelde

16. Afskrifte van heffings en gelde is gratis by die Munisipaliteit se kantore verkrygbaar.

Deposito's

17. Die Munisipaliteit hou die reg voor om te vereis dat die verbruiker 'n som geld deponeer as sekuriteit vir die betaling van enige gelde wat aan die Munisipaliteit betaalbaar is of betaalbaar kan word. Die bedrag van die deposito ten opsigte van elke elektrisiteitinstallasie word deur die Munisipaliteit bepaal en elke sodanige deposito kan verhoog word indien dit na die Munisipaliteit se mening onvoldoende is. Sodanige

deposito word nie beskou as betaling of gedeeltelike betaling van enige rekeninge betaalbaar vir die voorsiening van elektrisiteit met die doel om enige afslag te kry ooreenkomstig die elektrisiteitstariewe gemeld in hierdie Verordening nie. By beëindiging van die toevoer van elektrisiteit word die bedrag van sodanige deposito rentevry en min enige betalings aan die Munisipaliteit verskuldig, aan die verbruiker terugbetaal.

Betaling van gelde

18. (1) Die verbruiker is aanspreeklik vir alle gelde aangedui in die voorgeskrewe tariewe vir die elektrisiteitsdiens soos deur die Munisipaliteit goedgekeur. 'n Afskrif van die voorgeskrewe tariewe is gratis by die Munisipaliteit verkrygbaar.

(2) Alle rekeninge word geag betaalbaar te wees wanneer dit deur die Munisipaliteit uitgereik word, en die betaaldatum moet op die voorkant van die elke rekening verskyn asook 'n waarskuwing wat aandui dat die toevoer van elektrisiteit afgesluit kan word indien die gelde ten opsigte van sodanige toevoer nie betaal is teen die betaaldatum nie.

(3) 'n Fout of weglating in 'n rekening of versuim om 'n rekening te lewer, onthef nie die verbruiker van sy of haar verpligting om die regte bedrag verskuldig vir die elektrisiteit wat aan die perseel voorsien is te betaal nie, en die onus rus op die verbruiker om hom of haar daarvan te vergewis dat die rekening wat gelewer is, ooreenkomstig die voorgeskrewe tariewe van gelde is ten opsigte van elektrisiteit aan die perseel voorsien.

(4) Waar 'n behoorlik gemagtigde beampte van die Munisipaliteit die perseel besoek met die doel om die toevoer van elektrisiteit af te sluit ingevolge subartikel (2) en hy of sy word op enige wyse verhinder of verhoed om die afsluiting te bewerkstellig, is die voorgeskrewe gelde betaalbaar vir elke daaropvolgende besoek wat nodig is om sodanige afsluiting te bewerkstellig.

(5) Nadat die elektrisiteit afgesluit is weens die wanbetaling van 'n rekening, is die voorgeskrewe gelde en alle bedrae verskuldig vir elektrisiteit wat verbruik is, betaalbaar voordat die toevoer van elektrisiteit weer aangesluit word.

Rente op agterstallige rekeninge

19. Die Munisipaliteit kan rente hef op rekeninge wat nie betaal is teen die betaaldatum soos dit op die rekening verskyn nie, teen 'n rentekoers wat van tyd tot tyd deur die Munisipaliteit goedgekeur word.

Beginsels vir die herverkoop van elektrisiteit

20. (1) Tensy anders skriftelik deur die Munisipaliteit gemagtig, mag niemand elektrisiteit wat volgens 'n ooreenkoms met die Munisipaliteit aan sy of haar perseel voorsien word, aan enige ander persoon verkoop of voorsien vir verbruik op ander persele nie, of toelaat of duld dat sodanige herverkoop of voorsiening plaasvind nie. As elektrisiteit herverkoop word vir verbruik op dieselfde perseel, word die elektrisiteit deur 'n submeter gemeet van 'n soort wat deur Standaarde Suid-Afrika voorsien, geïnstalleer en geprogrammeer word ooreenkomstig die Munisipaliteit se standaarde.

(2) Die tariewe, gelde en bedrae waarteen en die verkoopvoorwaardes ingevolge waarvan die elektrisiteit aldus herverkoop word, mag nie minder gunstig vir die koper wees as dit wat betaalbaar en van toepassing sou wees indien die Munisipaliteit elektrisiteit direk aan die koper sou voorsien nie. Elke herverkoper

verskaf aan die koper maandelikse state wat ten minste net soveel besonderhede bevat as die tersaaklike besonderhede oor rekeninginligting wat die Munisipaliteit aan sy elektrisiteitverbruikers verskaf.

Reg om die toevoer van elektrisiteit af te sluit

21. (1) Die Munisipaliteit kan die toevoer van elektrisiteit na enige perseel afsluit indien die persoon wat aanspreeklik is vir die betaling van sodanige toevoer, in gebreke bly om die bedrag wat aan die Munisipaliteit verskuldig is in verband met toevoer wat hy of sy te eniger tyd van die Munisipaliteit ontvang het ten opsigte van enige perseel, of waar enige van die bepalings van hierdie Verordening of die Regulasies oortree word: Met dien verstande dat die Munisipaliteit die persoon 14 dae kennis moet gee om sy of haar fout reg te stel en die persoon versuim om sodanige fout reg te stel nadat kennis gegee is, of in die geval van ernstige gevaar vir mens of eiendom, of ingevolge artikel 26, sonder kennisgewing. Nadat die toevoer van elektrisiteit weens wanbetaling van 'n rekening of die onbehoorlike en onveilige verbruik van elektrisiteit afgesluit is, moet die voorgeskrewe gelde aan die Munisipaliteit betaal word.

(2) Indien 'n installasie op die verbruiker se perseel ongemagtig heraangesluit word nadat dit regmatig deur die Munisipaliteit afgesluit is, of indien daar met die Munisipaliteit se elektriese toerusting gepeuter word om te verhoed dat die meter die volle verbruik registreer, kan die toevoer van elektrisiteit fisiek van daardie perseel verwyder word.

Nie-aanspreeklikheid van die Munisipaliteit

22. Die Munisipaliteit is nie aanspreeklik vir enige regstreekse of daaruit voortspruitende verlies of skade wat deur die verbruiker gely of opgedoen word as gevolg van of voortspruitend uit die beëindiging en onderbreking van of enige ander abnormaliteit aan die toevoer van elektrisiteit nie, tensy dit deur skuld aan die kant van die Munisipaliteit veroorsaak is.

Lekkasie van elektrisiteit

23. Onder geen omstandighede word enige korting op die rekening vir elektrisiteit wat voorsien en gemeet is, toegelaat ten opsigte van 'n vermorsing van elektrisiteit wat te wyte is aan 'n lekkasie of 'n ander fout in die elektriese installasie nie.

Onderbreking van toevoer

24. Die Munisipaliteit is nie verplig om aandag te skenk aan 'n onderbreking in die toevoer van elektrisiteit as dit as gevolg van 'n fout in die verbruiker se elektriese installasie is nie, behalwe wanneer sodanige onderbreking te wyte is aan die werking van die Munisipaliteit se diensbeveiligingstoestel. Indien enige onderbreking van die toevoer van elektrisiteit die gevolg is van 'n fout in die verbruiker se elektriese installasie of van die gebrekkige werking van die apparaat wat in verband daarmee gebruik word, kan die Munisipaliteit die gelde van die verbuiker verhaal soos voorgeskryf deur die Munisipaliteit vir elke herstel van die toevoer van elektrisiteit bykomend tot die koste van die regmaak of herstel van enige skade wat aan die dienshoofleiding en –meter aangerig is deur sodanige fout of foutiewe werking.

Seëls van die Munisipaliteit

25. Die meter, diensbeveiligingstoestelle en alle apparaat wat aan die Munisipaliteit behoort, word deur 'n behoorlik gemagtigde beampte van die Munisipaliteit verseël of gesluit en

niemand wat nie 'n beampte van die Munisipaliteit is wat behoorlik daartoe gemagtig is nie, mag op enige wyse of om enige rede hoegenaamd sodanige seëls of slotte verwyder, breek, skend, daaraan peuter of hom of haar daarmee bemoei nie.

Peuter met diensaansluiting of hoofleiding

26. (1) Niemand mag op enige wyse of om enige rede hoegenaamd met enige meter, meettoerusting of dienshoofleiding of diensbeveiligingstoestel of hoofleiding van die Munisipaliteit peuter of daarmee inmeng nie.

(2) Waar *prima facie*-bewys bestaan dat 'n verbruiker of iemand anders subartikel (1) oortree het, kan die Munisipaliteit die toevoer van elektrisiteit onmiddellik en sonder vooraf kennisgewing aan die verbruiker afsluit en sodanige verbruiker of persoon is aanspreeklik vir alle gelde en koste wat deur die Munisipaliteit vir sodanige afsluiting gehef word.

(3) Waar 'n verbruiker of iemand anders subartikel (1) oortree en sodanige oortreding lei daartoe dat die meter minder verbruik as die regte verbruik registreer, het die Munisipaliteit die reg om die volle koste van sy of haar geraamde verbruik van die verbruiker te verhaal.

Beveiliging van die Munisipaliteit se hoofleiding

27. (1) Niemand mag, behalwe met die Munisipaliteit se goedkeuring en onderworpe aan sodanige voorwaardes as wat opgelê mag word –

(a) enige konstruksie bou, oprig of lê of die oprigting of lê van enige gebou, struktuur of ander voorwerp toelaat, of bome en ander plantegroei oor of in sodanige posisie of op sodanige manier plant dat dit sal inmeng met die hoofleiding of dit bedreig nie;

(b) enige deel van die hoofleiding uitgrawe, oopmaak of die grond bo, langsaan, onder of naby dit verwyder nie;

(c) enige deel van die hoofleiding beskadig, bedreig, verwyder of vernietig nie, of iets doen wat na alle waarskynlikheid die hoofleiding sal beskadig, bedreig of enige deel daarvan vernietig nie;

(d) 'n ongemagtigde aansluiting aan enige deel van die hoofleiding maak of elektrisiteit daarvandaan omlei of veroorsaak dat dit omlei word nie.

(2) Die eienaar of okkupeerder moet die hoogte van die bome of die lengte van die takke wat uitsteek naby bogrondse lyne beperk of voorsiening maak vir beveiliging wat na die mening van die Munisipaliteit voldoende daarin sal slaag om te verhoed dat die boom met die geleiers inmeng sou die boom of tak val of afgekap word. Indien die eienaar versuim om hierdie bepaling na te kom, het die Munisipaliteit die reg, na vooraf skriftelike kennisgewing, of te eniger tyd in 'n noodgeval, om die bome of ander plantegroei af te kap of te snoei op die wyse in hierdie bepaling beoog.

(3) Die Munisipaliteit kan, onderworpe aan die verkryging van 'n hofbevel, enige gebou, struktuur of enige ander voorwerp wat strydig met hierdie Verordening gebou, opgerig of gelê is, afbreek, verander of op enige ander wyse daarmee handel.

(4) Die Munisipaliteit kan, in 'n noodgeval of ramp, enigiets verwyder wat enige deel van die elektrisiteitsverspreidingstelsel beskadig, belemmer of bedreig of wat dit waarskynlik kan beskadig, belemmer, bedreig of vernietig.

Voorkoming van peuter met die diensaansluiting of hoofleiding

28. Indien die Munisipaliteit dit nodig of wenslik ag om spesiale voorsorgmaatreëls te tref om te verhoed dat daar met enige deel van die hoofleiding, dienshoofleiding of diensbeveiligingstoestel of meter of meettoerusting gepeuter word, moet die verbruiker óf die nodige beveiliging verskaf en installeer, óf die koste betaal waar sodanige beveiliging deur die Munisipaliteit verleen word.

Ongemagtigde aansluitings

29. Niemand, behalwe iemand spesifiek skriftelik deur die Munisipaliteit daartoe gemagtig, mag regstreeks of onregstreeks enige elektriese installasie of deel daarvan by die hoofleiding of diensaansluiting aansluit, probeer aansluit of sodanige aansluiting veroorsaak of toelaat nie.

Ongemagtigde heraansluitings

30. (1) Niemand, behalwe iemand spesifiek skriftelik deur die Munisipaliteit daartoe gemagtig, mag enige elektriese installasie wat deur die Munisipaliteit afgesluit is, weer by die hoofleiding of diensaansluiting heraansluit, probeer heraansluit of sodanige heraansluiting veroorsaak of toelaat nie.

(2) Waar dit blyk dat die toevoer van elektrisiteit wat voorheen deur die Munisipaliteit afgesluit is, weer aangesluit is, is die verbruiker wat die toevoer van elektrisiteit verbruik, aanspreeklik vir alle koste van die elektrisiteitsverbruik van die datum van afsluiting tot die datum waarop daar gevind is dat die toevoer heraangesluit is, en ook vir enige ander koste wat in dié verband aangegaan is. Voorts kan die Munisipaliteit enige deel van of al die toevoertoerusting verwyder tot tyd en wyl volle betaling ontvang is. Hierbenewens is die verbruiker ook verantwoordelik vir die koste wat met die herinstallering van sodanige toevoertoerusting gepaard gaan.

Tydelike afsluiting en heraansluiting

31. (1) Die Munisipaliteit moet op versoek van die verbruiker die toevoer van elektrisiteit na die verbruiker se elektriese installasie tydelik afsluit en dit weer heraansluit teen betaling van die gelde soos voorgeskryf deur die Munisipaliteit vir elke afsluiting en daaropvolgende aansluiting.

(2) Indien die Munisipaliteit genoodsaak word om die toevoer van elektrisiteit na 'n verbruiker se elektriese installasie tydelik af te sluit en weer aan te sluit en die verbruiker is geensins verantwoordelik vir die ontstaan van hierdie noodsaak nie, is die verbruiker nie verantwoordelik vir betaling van enige gelde nie.

(3) Die Munisipaliteit kan slegs onder buitengewone omstandighede die toevoer van elektrisiteit na enige perseel sonder kennisgewing tydelik afsluit ten einde herstelwerk te doen, of toetse uit te voer, of vir enige ander regmatige doel. In alle ander gevalle moet genoegsame kennis gegee word.

Tydelike voorsiening van elektrisiteit

32. Dit is 'n voorwaarde vir enige tydelike voorsiening van elektrisiteit ingevolge hierdie Verordening dat, indien daar gevind word dat sodanige voorsiening inbreuk maak op die doeltreffende en ekonomiese toevoer van elektrisiteit na ander verbruikers, die Munisipaliteit die reg het om, met kennisgewing, of onder buitengewone omstandighede sonder kennisgewing, sodanige tydelike voorsiening te eniger tyd te beëindig en die Munisipaliteit is nie aanspreeklik vir enige skade of verlies wat die verbruiker as gevolg van sodanige beëindiging mag ly nie.

Tydelike werk

33. 'n Elektriese installasie wat 'n tydelike toevoer van elektrisiteit nodig het, mag nie sonder die skriftelike toestemming van die Munisipaliteit regstreeks of onregstreeks by die hoofleiding aangesluit word nie. Volledige inligting oor die redes vir en die aard van sodanige tydelike werk moet die aansoek om die bogemelde toestemming vergesel, en die Munisipaliteit kan sodanige toestemming weier of verleen behoudens die bedinge en voorwaardes wat wenslik en noodsaaklik blyk.

Lasvermindering

34. (1) Gedurende tye van spitslas, of in 'n noodgeval, of wanneer dit na die mening van die Munisipaliteit om enige rede nodig is om die las op die Munisipaliteit se elektrisiteitsvoorsieningstelsel te verminder, kan die Munisipaliteit die voorsiening sonder kennisgewing onderbreek vir sodanige tydperk as wat die Munisipaliteit nodig ag, en die toevoer van elektrisiteit na enige verbruiker se warmwatersilinder wat deur elektrisiteit verwarm word of na enige spesifieke toestel of die hele installasie beëindig.

(2) Die Munisipaliteit kan sodanige apparaat en toerusting op die perseel van die verbruiker installeer as wat nodig geag word om gevolg te gee aan die bepalings van subartikel (1), en enige behoorlik gemagtigde beampte van die Munisipaliteit kan op enige redelike tyd enige perseel betree met die doel om sodanige apparaat en toerusting te installeer, te inspekteer, te toets, te verstel of te verander.

(3) Ondanks die bepalings van subartikel (2), moet die verbruiker of eienaar, na gelang van die geval, wanneer hy of sy 'n watersilinder installeer wat deur elektrisiteit verwarm word, die nodige akkommodasie en bedrading ooreenkomstig die Munisipaliteit se keuse verskaf ten einde die installasie van die apparaat en toerusting bedoel in subartikel (2) later moontlik te maak.

Medium- en laespanningskakeltuig en –toerusting

35. (1) In die gevalle van medium- of laespanningelektrisiteitsvoorsiening moet die verbruiker betaal vir die verskaffing en installasie van die skakeltuig, kabels en toerusting wat deel van die diensaansluiting uitmaak, tensy dit anders deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur word.

(2) In die gevalle van mediumspanningelektrisiteitsvoorsiening, word al sodanige toerusting deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur, en deur of onder die toesig van 'n behoorlik gemagtigde beampte van die Munisipaliteit geïnstalleer.

(3) Niemand bedryf mediumspanningskakeltuig sonder die skriftelike magtiging van die Munisipaliteit nie.

(4) Die aarding en toetsing van mediumspanningskakeltuig wat aan die Munisipaliteit se netwerk gekoppel is, word deur of onder die toesig van 'n gemagtigde beampte van die Munisipaliteit gedoen.

(5) In die geval van laespanningvoorsiening van elektrisiteit moet die verbruiker 'n laespanninghoofskakelaar of enige ander toerusting soos vereis deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit verskaf en installeer.

Substasie-akkommodasie

36. (1) Die Munisipaliteit kan, behoudens die voorwaardes wat hy goedvind, van die eienaar vereis om akkommodasie te verskaf en in stand te hou vir 'n substasie met 'n afsonderlike kamer of kamers uitsluitlik vir die doel om mediumspanningkabels en -skakeltuig, transformators, laespanningkabels en –skakeltuig en ander toerusting noodsaaklik vir die voorsiening van elektrisiteit deur die aansoeker aangevra, te akkommodeer. Die akkommodasie moet geleë wees by 'n punt met vrye, voldoende en onbeperkte toegang te alle tye vir die doeleindes wat met die bedryf en instandhouding van die toerusting verband hou.

(2) Die Munisipaliteit kan egter sy eie netwerke uit sy eie toerusting wat in sodanige akkommodasie geïnstalleer is voorsien, en as die Munisipaliteit bykomende akkommodasie verlang, moet sodanige akkommodasie deur die aansoeker op die koste van die Munisipaliteit verskaf word.

Bedradingsdiagram en spesifikasie

37. (1) Wanneer meer as een elektriese installasie of toevoer van elektrisiteit van 'n gemeenskaplike hoofleiding verkry word, of meer as een verdeelbord of -meter nodig is vir 'n gebou of blok geboue, moet die bedradingdiagram van die stroomkringe wat by die hoofskakelaar begin en 'n spesifikasie aan die Munisipaliteit verskaf word vir goedkeuring voordat daar met die werk begin word.

(2) Waar 'n elektriese installasie sy toevoer elektrisiteit vanaf 'n substasie op dieselfde perseel moet kry as waarop die stroom van hoë spanning getransformeer word, of van een van die Munisipaliteit se substasies deur 'n hoofleiding afsonderlik van die algemene verspreidingstelsel, moet, indien dit vereis word, 'n volledige spesifikasie en tekeninge van die aanleg wat deur die verbruiker geïnstalleer gaan word, aan die Munisipaliteit vir goedkeuring gestuur word voordat enige tersaaklike benodigdhede bestel word.

Gereedsheidstoevoer

38. Niemand is geregtig op gereedheidstoevoer van elektrisiteit van die Munisipaliteit vir enige perseel met 'n afsonderlike bron van toevoer van elektrisiteit nie, behalwe met die skriftelike toestemming van die Munisipaliteit en behoudens die voorwaardes wat die Munisipaliteit mag stel.

Verbruiker se toerusting vir noodgereedheidstoevoer

39. (1) Geen toerusting deur 'n verbruiker vir noodgereedheidstoevoer ingevolge die Regulasies of vir sy of haar eie bedryfsvereistes verskaf, mag by enige installasie aangesluit word sonder die skriftelike goedkeuring van die Munisipaliteit nie. 'n Aansoek om sodanige goedkeuring moet skriftelik gerig word en moet 'n volledige spesifikasie van die toerusting en 'n bedradingsdiagram bevat. Die gereedsheidstoerusting moet so ontwerp en geïnstalleer word dat dit onmoontlik vir die Munisipaliteit se hoofleiding is om uit die terugvoer van sodanige toerusting energie te ontvang. Die verbruiker is verantwoordelik vir die voorsiening en installasie van al sodanige beveiligingstoerusting.

(2) Waar daar ooreenkomstig 'n spesiale ooreenkoms met die Munisipaliteit toegelaat word dat die verbruiker se toerusting vir gereedsheidsontwikkeling elektries gekoppel word aan en parallel loop met die Munisipaliteit se hoofleiding, is die verbruiker verantwoordelik om die vereiste sinchroniese- en beveiligingstoerusting vir veilige parallelle werking te verskaf en te installeer tot die Munisipaliteit se bevrediging.

Omsendbriewe

40. Die Munisipaliteit kan van tyd tot tyd omsendbriewe uitstuur waarin besonderhede verskaf word oor die Munisipaliteit se vereistes met betrekking tot sake wat nie spesifiek in die Regulasies of in hierdie Verordening bepaal word nie, maar wat nodig is vir die veilige en doeltreffende bedryf en bestuur van elektrisiteitsvoorsiening.

HOOFSTUK 3
VERBRUIKERS SE VERANTWOORDELIKHEDE

Verbruiker moet elektriese installasie oprig en in stand hou

41. 'n Elektriese installasie wat by die hoofleiding aangesluit is of aangesluit gaan word, en enige byvoegings daartoe of wysigings daaraan wat van tyd tot tyd gemaak word, word deur die verbruiker op eie koste verskaf, opgerig en in 'n goeie toestand in stand gehou ooreenkomstig die bepalings van hierdie Verordening en die Regulasies.

Fout in elektriese installasie

42. (1) Indien daar enige fout in die elektriese installasie ontstaan wat 'n gevaar vir mense, diere of eiendom inhou, moet die verbruiker onmiddellik die elektrisiteitstoevoer afsluit. Die verbruiker moet onverwyld die Munisipaliteit daarvan in kennis stel en onmiddellik stappe doen om die fout reg te stel.

(2) Die Munisipaliteit kan van die verbruiker verwag om hom te vergoed vir enige uitgawes wat hy mag aangaan ten opsigte van 'n fout in die elektriese installasie.

Beëindiging van verbruik uit die elektrisiteitstoevoer

43. Wanneer 'n verbruiker die verbruik uit die toevoer van elektrisiteit wil beëindig, moet hy of sy ten minste twee volle werksdae skriftelike kennis aan die Munisipaliteit gee van sodanige beoogde beëindiging, by gebreke waarvan hy of sy aanspreeklik bly vir alle betalings verskuldig ooreenkomstig die tarief vir die voorsiening van elektrisiteit totdat die twee volle werksdae nadat sodanige kennis gegee is verstryk het.

Verandering van okkupeerder

44. (1) 'n Verbruiker wat 'n perseel ontruim, gee die Munisipaliteit nie minder as twee volle werksdae skriftelike kennis van sy of haar voorneme om die verbruik van die toevoer van elektrisiteit te beëindig nie, by gebreke waarvan hy of sy aanspreeklik bly vir sodanige toevoer.

(2) Indien die persoon wat die okkupasie van die perseel oorneem wil voortgaan om die toevoer van elektrisiteit te verbruik, moet hy of sy ingevolge die bepalings van artikel 5 daarom aansoek doen en indien hy of sy versuim om binne tien werksdae nadat hy of sy die nuwe okkupeerder van die perseel geword het, aansoek te doen om 'n toevoer van elektrisiteit, word die toevoer van elektrisiteit afgesluit, en is hy of sy teenoor die Munisipaliteit aanspreeklik vir die toevoer van elektrisiteit vanaf die datum van okkupasie tot en met sodanige tyd as wat die toevoer so afgesluit is.

(3) Waar daar kragbegroters op 'n perseel geïnstalleer is, word iemand wat op daardie tydstip die perseel okkupeer, geag 'n verbruiker te wees. Tot tyd en wyl dié persoon aansoek doen om 'n toevoer van elektrisiteit ingevolge artikel 5 is hy of sy is aanspreeklik vir alle bedrae en gelde aan die Munisipaliteit verskuldig vir daardie meetpunt asook vir enige uitstaande bedrae en gelde of dit deur die persoon opgeloop is of nie.

Diensapparaat

45. (1) Die verbruiker is aanspreeklik vir al die Munisipaliteit se koste voortspruitend uit skade aan of verlies van enige meettoerusting, diensbeveiligingstoestel, diensaansluiting of ander apparaat op die perseel, tensy daar aangetoon kan word dat sodanige skade of verlies veroorsaak is deur oormag of 'n handeling of versuim deur 'n werknemer van die Munisipaliteit of deur 'n abnormaliteit in die toevoer van elektrisiteit na die perseel.

(2) Indien die hoofleiding, die diensshoofleiding, meettoerusting of enige ander diensapparaat wat aan die Munisipaliteit behoort en tevore gebruik is gedurende 'n tydperk dat die installasie van die hoofleiding afgesluit was, sonder die Munisipaliteit se toestemming verwyder is, of in so 'n mate beskadig is dat heraansluiting gevaarlik is, moet die eienaar of okkupeerder van die perseel, na gelang van die geval, gedurende sodanige tydperk die koste dra van die herstel of vervanging van sodanige toerusting.

(3) Waar daar 'n gemeenskaplike meetposisie is, berus die aanspreeklikheid ingevolge subartikel (1) by die eienaar van die perseel.

HOOFSTUK 4
SPESIFIEKE VOORSIENINGSVOORWAARDES

Diensaansluiting

46. (1) Die verbruiker dra die koste van die diensaansluiting soos deur die Munisipaliteit bepaal.

(2) Nieteenstaande die feit dat die verbruiker die koste dra van die diensaansluiting wat deur die Munisipaliteit aangelê of opgerig is, berus die eienaarskap van die diensaansluiting by die Munisipaliteit wat verantwoordelik is vir die instandhouding van sodanige diensaansluiting tot by die voorsieningspunt. Die

verbruiker is nie geregtig op enige vergoeding van die Munisipaliteit ten opsigte van sodanige diensaansluiting nie.

(3) Die werk wat deur die Munisipaliteit op die verbruiker se koste gedoen word ten opsigte van 'n diensaansluiting op die verbruiker se perseel, word deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit bepaal.

(4) 'n Diensaansluiting word ondergronds aangelê ongeag of die hoofleiding ondergronds aangelê of bogronds opgerig word, tensy 'n bogrondse diensaansluiting spesifiek deur die Munisipaliteit vereis word.

(5) Die verbruiker moet op sy of haar perseel sodanige leibane, bedradingskanale, vore, hegstukke en vry ruimte vir die bogrondse hoofleiding voorsien, vassit en in stand hou soos wat deur die Munisipaliteit vir die installasie van die diensaansluiting vereis word.

(6) Die geleier wat vir die diensaansluiting gebruik word, moet 'n deursneeoppervlakte ooreenkomstig die omvang van die elektriese toevoer hê, maar moet nie minder as 10 mm² (koper of koperekwivalent) wees nie, en al die geleiers moet dieselfde deursneeoppervlakte hê tensy andersins deur 'n behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur.

(7) Tensy andersins goedgekeur, verskaf die Munisipaliteit slegs een diensaansluiting na elke geregistreerde erf. Met betrekking tot twee of meer erwe wat aan een eienaar behoort en op aangrensende erwe geleë is, kan 'n enkele grootmaattoevoer van elektrisiteit voorsien word indien die erwe gekonsolideer of notarieel verbind is.

(8) 'n Bedekking op 'n bedradingskanaal wat die toevoerstroomkringe van die voorsieningspunt na die meettoerusting dra, word gemaak sodat die seëls van die Munisipaliteit daarop sal pas.

(9) Binne in die meterkas moet die diensgeleier of –kabel, na gelang van die geval, in 'n opsigtelike posisie eindig, en die hele lengte van die geleiers moet sigbaar wees as die dekplate, indien daar is, verwyder word.

(10) In die geval van 'n gebouekompleks geokkupeer deur 'n aantal individuele verbruikers, moet afsonderlike bedradingskanale en geleiers of kabels van die gemeenskaplike meetkamer of –kamers na elke individuele verbruiker in die gebouekompleks geïnstalleer word. As hoofleibane egter gebruik word, moet die geleiers van individuele stroomkringe duidelik (elke 1,5 m saamgebind) vir die hele lengte daarvan aangedui word.

Meetakkommodasie

47. (1) Die verbruiker moet, indien so vereis deur die Munisipaliteit of enige behoorlik gemagtigde beampte van die Munisipaliteit, akkommodasie op 'n goedgekeurde plek vir die meterbord, en voldoende geleiers vir die Munisipaliteit se meettoerusting, diensapparaat en beveiligingstoestelle verskaf. Sodanige akkommodasie word tot bevrediging van die Munisipaliteit op die verbruiker of eienaar se koste, na gelang van omstandighede, verskaf en in stand gehou, en moet in die geval van kredietmeters op 'n plek geleë wees waartoe daar te alle redelike tye vrye en onbelemmerde toegang vir die lees van meters is, maar te alle tye vir doeleindes wat met die bedryf en instandhouding van die dienstoerusting verband hou. Toegang vir die inspeksie van kragbegroters word te alle redelike tye gebied.

(2) Waar submeettoerusting geïnstalleer is, word akkommodasie afsonderlik van die Munisipaliteit se meettoerusting verskaf.

(3) Die verbruiker of, in die geval van die plek van 'n gewone meter, die eienaar van die perseel, moet voldoende elektriese beligting voorsien in die ruimte waar die meettoerusting en diensapparaat geakkommodeer word.

(4) Wanneer, volgens die mening van die Munisipaliteit, die plek van die meter, diensaansluiting of beveiligingstoestelle of hoofverspreidingbord nie maklik bereikbaar is nie, of 'n bron van gevaar vir lewe of eiendom is of op enige wyse ongeskik is, moet die verbruiker dit na 'n nuwe plek verskuif, en die koste van sodanige verskuiwing wat met redelike spoed uitgevoer moet word, word deur die verbruiker gedra.

(5) Die ruimte vir die Munisipaliteit se meettoerusting en beveiligingstoestelle kan, indien goedgekeur, die verbruiker se hoofskakelaar en hoofbeveiligingstoestelle insluit. Geen apparaat behalwe dit wat in verband met die toevoer en verbruik van elektrisiteit gebruik word, mag in sodanige ruimte geïnstalleer of geberg word nie tensy dit goedgekeur is.

HOOFSTUK 5
TOEVOERSTELSELS

Lasvereistes

48. Wisselstroomtoevoer word ingevolge die Elektrisiteitswet, 1987 (Wet No. 41 van 1987), voorsien en as daar nie 'n ooreenkoms oor gehaltetoevoer aangegaan is nie, ooreenkomstig die toepaslike standaardspesifikasie.

Lasbeperkings

49. (1) Waar die geraamde las, bereken ingevolge die veiligheidstandaard, nie 15 kV.A oorskry nie, moet die elektriese installasie ingerig word vir 'n dubbeldraad-enkelfasige-toevoer van elektrisiteit, tensy dit andersins deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur is.

(2) Waar 'n driefasige-vierdraad-toevoer van elektrisiteit verskaf word, moet die las min of meer gebalanseer word oor die drie fases, maar die maksimum ongebalanseerde las moet nie 15 kV.A oorskry nie, tensy dit andersins deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur word.

(3) Geen toestel wat 'n stroom verbruik, inherent enkelfasig van aard is en 'n aanslag het wat 15 kV.A oorskry, mag by die elektriese installasie aangesluit word sonder dat die Munisipaliteit vooraf toestemming verleen het nie.

Versteuring van andere se elektriese toerusting

50. (1) Niemand mag elektriese toerusting bedryf wat laseienskappe het wat individueel of gesamentlik tot spanningvariasie, bofrekwensiestrome of -spanning, of ongebalanseerde fasestrome wat buite die toepaslike standaardspesifikasie val, aanleiding gee nie.

(2) Die evaluering van die steuring van ander persone se elektriese toerusting word deur middel van metings by die gemeenskaplike koppelpunt gedoen.

(3) Indien daar vasgestel word dat onbehoorlike steuring wel plaasvind, moet die verbruiker op sy of haar eie koste die nodige toerusting installeer om die steuring te filtreer en te verhoed dat dit die hoofleiding bereik.

Toevoer na motore

51. Tensy anders goedgekeur deur die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit, word die aangeslane vermoë van motore as volg beperk:

(1) **Beperkte grootte van laespanningmotore**

Die aangeslane vermoë van 'n laespanning-enkelfasige motor word tot 2kW beperk en die aansitstroom mag nie 70 A oorskry nie. Alle motore wat hierdie perke oorskry, word vir drie fases teen lae spanning of sodanige hoër spanning as wat vereis word, bewikkel.

(2) **Maksimum aansit- en versnelstrome van driefasige wisselstroommotore**

Die aansitstrome van driefasige-laespanningmotore wat toegelaat word, hou as volg met die kapasiteit van die verbruiker se diensaansluiting verband:

Grootte van geïsoleerde dienskabel (koperekwivalent)	Maksimum toelaatbare aansitstroom	Maksimum motoraanslag in kW		
		Direk op die lyn (6 x volle lasstroom)	Ster/Delta (2,5 x volle lasstroom)	Ander middele (1,5 x volle lasstroom)
mm²	A	kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) **Verbruikers word teen mediumspanning voorsien**

In 'n installasie waaraan elektrisiteit teen mediumspanning voorsien word, word die aansitstroom van 'n laespanningmotor tot 1,5 keer die aangeslane vollasstroom van die transformator wat sodanige motor voorsien, beperk. Die aansitreëling vir mediumspanningmotore is aan die goedkeuring van die Munisipaliteit onderworpe.

Arbeidsfaktor

52. (1) Indien vereis deur die Munisipaliteit, word die arbeidsfaktor van enige las binne die perke van 0,85 naloop en 0,9 voorloop gehandhaaf.

(2) Waar dit, ingevolge subartikel (1), nodig is om arbeidsfaktor-korrektiewe toestelle te installeer, word sodanige korrektiewe toestelle by die individuele verbruiksterminale aangesluit tensy die herstel van die arbeidsfaktor outomaties beheer word.

(3) Die verbruiker moet op sy of haar eie koste sodanige korrektiewe toestelle installeer.

Beveiliging

53. Elektriese beveiligingstoestelle vir motore moet so ontwerp word dat dit op 'n doeltreffende wyse waar toepaslik volgehoue oorstroom en eenfasewerking voorkom.

HOOFSTUK 6
ELEKTRISITEITSMETING

Meet van toevoer

54. (1) Die Munisipaliteit verskaf, installeer en hou toepaslik aangeslane meettoerusting by die meetpunt in stand vir die meet van die elektrisiteit wat voorsien word op koste van die verbruiker by wyse van 'n direkte heffing of deur middel van voorgeskrewe gelde.

(2) Die elektrisiteit wat 'n verbruiker in enige meettydperk verbruik, word, behalwe in die geval van kragbegroters, bepaal deur die toepaslike meter of meters wat deur die Munisipaliteit verskaf en geïnstalleer is, aan die einde van sodanige tydperk te lees, behalwe waar daar 'n fout in die meettoerusting is of die Munisipaliteit hom op die bepalings van artikel 58(2) beroep, in welke geval die verbruik vir die tydperk geskat word.

(3) Waar verskillende tariewe gehef word vir die elektrisiteit wat deur 'n verbruiker verbruik word, word die verbruik afsonderlik vir elke tarief gemeet.

(4) Die Munisipaliteit kan die toevoer van elektrisiteit aan blokke winkels en woonstelle, skakelhuise en soortgelyke geboue vir die geboue as 'n geheel meet, of vir individuele eenhede, of vir groepe eenhede.

(5) Geen veranderings, herstelwerk of toevoegings of elektriese verbindings van enige aard mag aan die voorsieningskant van die meetpunt aangebring word nie, tensy dit spesifiek skriftelik deur die Munisipaliteit of enige behoorlik gemagtigde beampte van die Munisipaliteit goedgekeur word nie.

Akkurate meting

55. (1) Dit word vermoed dat 'n meter akkuraat registreer indien daar by die toetsing daarvan ingevolge subartikel (5) bevind word dat die fout binne die foutgrens is ooreenkomstig die toepaslike standaardspesifikasies.

(2) Die Munisipaliteit kan van tyd tot tyd sy meettoerusting toets. Indien daar by wyse van 'n toets of andersins vasgestel word dat sodanige meettoerusting foutief is, moet die Munisipaliteit ingevolge die bepalings van subartikel (6) –

(a) in die geval van 'n kredietmeter, die rekening wat gelewer is aanpas;

(b) in die geval van kragbegroters –

(i) 'n rekening lewer as die meter te min geregistreer het; of

(ii) 'n gratis bewys uitreik indien die meter te veel geregistreer het.

(3) Die verbruiker kan teen betaling van die voorgeskrewe gelde die meettoerusting deur die Munisipaliteit laat toets. Indien daar bevind word dat die meettoerusting nie voldoen aan die vereistes vir stelselakkuraatheid ooreenkomstig die toepaslike standaardspesifikasies nie, word 'n aanpassing ingevolge die bepalings van subartikels (2) en (6) gemaak en die bogemelde gelde word terugbetaal.

(4) In geval van 'n geskil het die verbruiker die reg om op eie koste die meettoerusting waaroor die geskil gaan, deur 'n onafhanklike toetsowerheid te laat toets, en die resultaat van sodanige toets is bindend op albei partye.

(5) Meters word getoets op die wyse soos deur die toepaslike standaardspesifikasie bepaal.

(6) Wanneer die elektrisiteitsverbruik soos geregistreer op 'n meter ingevolge subartikel (2) of (3) aangepas word, word sodanige aanpassing óf gegrond op die meter se persentasiefout bepaal deur die toets ingevolge subartikel (5), óf op 'n berekening deur die Munisipaliteit gegrond op verbruiksdata in sy besit. Waar van toepassing word daar, waar moontlik, behoorlik rekening gehou met seisoenale of ander veranderinge wat die verbruik van elektrisiteit kan beïnvloed.

(7) Enige aanpassings ingevolge subartikel (6) word gemaak ten opsigte van 'n tydperk wat nie ses maande voor die datum waarop bevind is dat die meettoerusting onakkuraat is, mag oorskry nie. Die toepassing van hierdie artikel verhinder nie die verbruiker om oorbetaling deur middel van die normale regsproses terug te eis nie waar 'n langer tydperk bewys kan word.

(8) Waar 'n verbruiker se werklike las in so 'n mate van die aanvanklik geraamde las ingevolge subartikel 8(1) verskil dat die Munisipaliteit dit nodig ag om sy meettoerusting te verander of te vervang ten einde by die las aan te pas, dra die verbruiker die koste van sodanige verandering of vervanging.

(9) (a) Voordat die raad enige opwaartse aanpassing aan enige rekening ingevolge subartikel (6) maak, moet die Munisipaliteit –

(i) die verbruiker skriftelik in kennis stel van die geldelike waarde van die aanpassing wat gemaak gaan word en die redes daarvoor;

(ii) in sodanige kennisgewing voldoende besonderhede verskaf sodat die verbruiker vertoë op grond daarvan kan rig; en

(iii) die verbruiker in sodanige kennisgewing versoek om redes, indien enige, skriftelik binne 21 dae of sodanige langer tydperk as wat die Munisipaliteit mag toelaat, te verskaf waarom sy of haar rekening nie aangepas moet word ooreenkomstig die kennisgewing nie.

(b) Indien die verbruiker versuim om gedurende die tydperk beoog in paragraaf (a)(iii) enige vertoë te rig, het die Munisipaliteit die reg om die rekening aan te pas volgens die kennisgewing ingevolge paragraaf (a)(i).

(c) Die Munisipaliteit oorweeg enige redes verskaf deur die verbruiker ingevolge paragraaf (a) en pas die rekening op 'n gepaste wyse aan indien die Munisipaliteit tevrede is dat daar grondige redes daarvoor verskaf is.

(d) Indien 'n behoorlik gemagtigde beampte van die Munisipaliteit na oorweging van die vertoë gerig deur die verbruiker besluit dat sodanige vertoë nie 'n saak uitmaak om 'n wysiging aan die monetêre waarde ingevolge paragraaf (a)(i) aan te bring nie, het die Munisipaliteit die reg om die rekening ooreenkomstig 'n kennisgewing ingevolge paragraaf (a)(i) aan te pas.

Lees van kredietmeters

56. (1) Tensy anders voorgeskryf, word kredietmeters gewoonlik met tussenposes van een maand gelees, en die vaste of minimum koste verskuldig ingevolge die tarief word dienooreenkomstig bepaal. Die Munisipaliteit is nie verplig om enige aanpassings aan sodanige koste te maak nie.

(2) Indien die kredietmeter om die een of ander rede nie gelees kan word nie, kan die Munisipaliteit 'n geraamde rekening lewer. Die elektriese energie wat verbruik is, word in 'n daaropvolgende rekening aangepas ooreenkomstig die elektriese energie wat werklik verbruik is.

(3) Wanneer 'n verbruiker 'n eiendom ontruim en 'n finale lesing van die meter is onmoontlik, kan 'n geraamde verbruik bepaal word en die finale rekening dienooreenkomstig gelewer word.

(4) Indien 'n verbruiker 'n finale meterlesing verlang, kan dit teen betaling van die voorgeskrewe gelde gedoen word.

(5) Indien 'n berekeningsfout, fout met die lees van die meter of meetfout ontdek word ten opsigte van 'n rekening wat aan 'n verbruiker gelewer is, word die fout in daaropvolgende rekeninge reggestel. Sodanige regstelling is slegs van toepassing op rekeninge vir 'n tydperk van 6 maande voor die datum waarop die fout in die rekeninge ontdek is, en is gegrond op die werklike tariewe van toepassing gedurende die tydperk. Die toepassing van hierdie artikel verhoed nie 'n verbruiker om oorbetaling terug te eis vir 'n langer tydperk nie indien die verbruiker die eis in die normale regsproses kan bewys.

Kragbegroter

57. (1) Geen terugbetaling van die bedrag wat vir die aankoop van elektrisiteitkrediet aangebied is, geskied by die verkooppunt nadat die proses waardeur die kragbegroterbewys uitgereik word, reeds begin het nie.

(2) Afskrifte van die bewyse wat vroeër vir die oorplasing van krediet na die kragbegroter uitgereik is, kan op versoek van die verbruiker beskikbaar gestel word.

(3) Wanneer 'n verbruiker enige perseel ontruim waar 'n kragbegroter geïnstalleer is, betaal die Munisipaliteit geen krediet wat in die meter oorbly, aan die verbruiker terug nie.

(4) Die Munisipaliteit is nie aanspreeklik vir die herstel van krediet wat in 'n kragbegroter verlore gegaan het omdat daar met die kragbegroter of bewyse gepeuter is nie, of omdat dit verkeerd gebruik of misbruik is nie.

(5) Waar die verbruiker geld aan die Munisipaliteit verskuldig is vir elektrisiteit verbruik of vir enige diens wat deur die Munisipaliteit verskaf word (onder meer diensgeld) of vir enige gelde wat voorheen teen hom of haar gehef is betreffende enige diens verskaf, kan die Munisipaliteit 'n persentasie van die bedrag wat aangebied word, aftrek totdat die verskuldigde bedrag verhaal is soos uiteengesit in die artikel 5-ooreenkoms vir die voorsiening van elektrisiteit.

(6) Die Munisipaliteit kan na goeddunke verkopers vir die verkoop van bewyse vir kragbegroters aanstel en sodanige aanstellings na redelike kennisgewing beëindig.

HOOFSTUK 7
ELEKTRIESE KONTRAKTEURS

Bykomende vereistes

58. Benewens die vereistes van die Regulasies is die volgende vereistes van toepassing:

(1) Waar daar om nuwe of verhoogde toevoer van elektrisiteit by die Munisipaliteit aansoek gedoen word, kan 'n behoorlik gemagtigde beampte van die Munisipaliteit na sy of haar goeddunke kennisgewing aanvaar van die voltooiing van enige deel van die elektriese installasie waarvan die kringontwerp toelaat dat die elektriese installasie in duidelik afgebakende afsonderlike gedeeltes verdeel word, en sodanige gedeelte van die elektriese installasie kan na goeddunke van die behoorlik gemagtigde beampte van die Munisipaliteit geïnspekteer, getoets en by die hoofleiding aangesluit word asof dit 'n volledige installasie is.

(2) Die ondersoek, toets en inspeksie wat na goeddunke van die Munisipaliteit of 'n behoorlik gemagtigde beampte van die Munisipaliteit uitgevoer mag word, onthef geensins die elektriese kontrakteur of geakkrediteerde persoon of die verbruiker of huurder, na gelang van die geval, van sy of haar verantwoordelikheid vir enige gebrek in die installasie nie. Sodanige ondersoek, toets en inspeksie word onder geen omstandighede (selfs waar die elektriese installasie aan die hoofleiding verbind is) beskou as 'n aanduiding of waarborg dat die elektriese installasiewerk doeltreffend met die geskikste benodigdhede vir die doel uitgevoer is of dat dit ooreenkomstig hierdie Verordening of die veiligheidstandaard is nie, en die Munisipaliteit word nie aanspreeklik gehou vir enige gebrek of fout in sodanige elektriese installasie nie.

Munisipaliteit nie aanspreeklik nie

59. Die Munisipaliteit is nie aanspreeklik vir die werk wat deur 'n elektriese kontrakteur of geakkrediteerde persoon op die perseel van 'n verbruiker verrig word nie of vir enige verlies of skade te wyte aan 'n brand of ongeluk voortspruitend uit die toestand van die bedrading op die perseel nie.

HOOFSTUK 8
KOSTE VAN WERK

Koste van werk

60. Die Munisipaliteit kan skade voortspruitend uit 'n handeling strydig met hierdie Verordening of voortspruitend uit 'n oortreding van hierdie Verordening, herstel of vergoed. Die koste van sodanige werk verrig deur die Munisipaliteit en genoodsaak deur 'n oortreding van hierdie Verordening, kan deur die Munisipaliteit van die persoon wat strydig met hierdie Verordening opgetree het verhaal word.

HOOFSTUK 9
STRAFBEPALING

Strafbepaling

61. (1) Iemand wat enige van die bepalings van artikels 5, 7, 13, 14, 20, 25, 26, 27, 29 en 30 oortree, is skuldig aan 'n misdryf.

(2) Iemand wat voortgaan om 'n misdryf te pleeg nadat hy of sy in kennis gestel is om sodanige misdryf te staak of nadat hy of sy skuldig bevind is aan sodanige misdryf, is skuldig aan 'n voortdurende misdryf.

(3) Iemand wat skuldig bevind word aan 'n oortreding ingevolge hierdie Verordening waarvoor geen straf uitdruklik bepaal word nie, is strafbaar met 'n boete of tronkstraf vir 'n tydperk van nie langer as ses maande nie of met sodanige tronkstraf sonder die keuse van 'n boete of beide 'n boete en sodanige tronkstraf en, in die geval van 'n voortgesette misdryf, met 'n bykomende boete of bykomende tronkstraf vir 'n tydperk van nie meer as tien dae nie of met sodanige tronkstraf sonder die keuse van 'n boete of met beide 'n bykomende boete en tronkstraf vir elke dag waarop sodanige misdryf verder gepleeg word.

(4) Elkeen wat die bepalings van hierdie Verordening oortree, is aanspreeklik daarvoor om die Munisipaliteit te vergoed vir enige verlies of skade deur die Munisipaliteit gely as gevolg van sodanige oortreding.

HOOFSTUK 10
HERROEPING VAN WETTE

Herroeping van wette en voorbehoude

62. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

63. Hierdie Verordening heet die Elektrisiteitsverordening, 2008

BYLAE 1

"**Toepaslike standaardspesifikasie**" beteken

SANS 1019 Standaardspanning, - stroomkringe en isolasievlakke vir die toevoer van elektrisiteit;

SABS 1607 Elektromeganiese watt-uurmeters;

SABS 1524 Dele 0,1 & 2 – Kragbegroterstelsels;

SABS IEC 60211 Maksimumaanvraagaanwysers, Klas 1.0;

SABS IEC 60521 Wisselstroom-elektromeganiese-watt-uurmeter (Klasse 0,5,1 & 2);

SANS 10142-1 Gebruikskode vir die bedrading van persele;

NRS 047 Nasionale gerasionaliseerde spesifikasie vir elektrisiteitsvoorsiening – gehalte van diens;

NRS 048 Nasionale gerasionaliseerde spesifikasie vir elektrisiteitsvoorsiening – gehalte van diens; en

NRS 057 Meet van elektrisiteit: minimum vereistes.

Verordening No. 11, 2008

BRANDWEERVERORDENING, 2008

VERORDENING

Om voorsiening te maak vir 'n brandweerdiens in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

INDELING VAN ARTIKELS

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**brandweerhoof**" die persoon ingevolge artikel 5(1) van die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987), deur die Munisipaliteit aangestel as hoof van die diens;

"**diens**" die brandweerdiens van die Munisipaliteit ingestel ingevolge artikel 3 van die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987), wat bedoel is om aangewend te word vir –

(a) die voorkoming van die uitbreek of verspreiding van 'n brand;

(b) die bestryding of blus van 'n brand;

(c) die beskerming van lewe of eiendom teen brand of ander dreigende gevaar;

(d) die red van lewe of eiendom van 'n brand of ander gevaar;

(e) behoudens die bepalings van enige ander wet, die lewering van 'n ambulansdiens as 'n integrerende deel van die brandweerdiens; of

(f) die verrigting van enige ander funksie wat in verband staan met enige van die aangeleenthede in paragrawe (a) tot (e) bedoel;

"**eienaar**" 'n eienaar soos omskryf in artikel 18(4) van die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987);

"**goedgekeur**" deur die brandweerhoof goedgekeur;

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**noodgeval**" 'n geval of gebeurlikheid wat ernstige gevaar vir lewe of eiendom inhou of kan inhou;

"**okkupeerder**" enige persoon wat enige perseel of gedeelte van so 'n perseel okkupeer ongeag die titel van okkupasie;

"**tariewe**" die tarief van gelde van tyd tot tyd deur die Munisipaliteit bepaal; en

"**Wet**" die Wet op Brandweerdienste, 1987 (Wet No. 99 van 1987).

Samestelling van diens

2. Die diens word saamgestel uit –

(a) die voltydse lede van die diens deur die Munisipaliteit aangestel ooreenkomtig artikel 6 van die Wet; en

(b) lede van die brandweer reserwemag, aangestel deur die Munisipaliteit ooreenkomstig artikel 6A van die Wet, as tydelike lede van die diens,

om sodanige werksaamhede te verrig as wat die brandweerhoof van tyd tot tyd aan hulle mag opdra.

Plig om bystand te verleen

3. Enige lid van die diens of van 'n brandweerorganisasie, hetsy dit deur die Munisipaliteit beheer word, al dan nie, moet, wanneer daartoe versoek word deur die brandweerhoof, alle bystand binne sy of haar vermoë verleen in verband met die bestryding of bekamping van 'n brand of enige ander noodgeval.

Prosedure by die uitbreek van 'n brand

4. (1) Waar die diens in kennis gestel word van, of daar rede is om te glo dat 'n brand uitgebreek het, of 'n ander toestand ontstaan het waar die dienste van die diens benodig word, gaan die brandweerhoof onverwyld tesame met sodanige personeel en toerusting as wat hy of sy nodig ag, na die plek waar die brand of toestand plaasvind of bestaan, of waar hy of sy rede het om te glo dat dit plaasvind of bestaan.

(2) Die brandweerhoof kan bevel oorneem van, of inmeng met, of 'n einde maak aan enige bestaande toestand of enige handeling wat verrig word ten opsigte van 'n brand, deur enige persoon wat nie in diens van die diens is nie, insluitende die eienaar van die perseel en sy of haar werknemer of agent, en niemand mag versuim om enige wettige bevel of opdrag na te kom wat deur die brandweerhoof gegee word in die uitvoering van hierdie subartikel nie.

Belemmering of skade

5. (1) Niemand mag met 'n lid van die diens inmeng of hom of haar hinder in die uitvoering van sy of haar pligte ingevolge hierdie Verordening nie.

(2) Niemand mag 'n voertuig oor enige brandslang bestuur of enige brandslang of ander toestel of toerusting van die diens beskadig, daarmee peuter of hom of haar daarmee inmeng nie.

Dra van uniform en kentekens

6. (1) Die brandweerhoof en elke lid van die diens dra die uniform, rang- en kentekens deur die Munisipaliteit voorgeskryf.

(2) Niemand, behalwe 'n lid van die diens, mag 'n uniform van die diens dra nie, of enige uniform bedoel om die indruk te skep dat hy of sy so 'n lid is dra nie, of op enige ander wyse homself of haarself voordoen as 'n lid van die diens nie.

Brandbare materiaal

7. (1) Waar die brandweerhoof van mening is dat enige persoon –

(a) enige hout, kratte, voer, strooi of ander brandbare materiaal, hetsy binne of buite enige gebou, berg of veroorsaak of toelaat dat dit geberg word in hoeveelhede of in 'n posisie of op 'n wyse wat 'n gevaar van brand aan enige gebou skep;

(b) in okkupasie of beheer van enige perseel toelaat dat gras, onkruid, bome of ander plantegroei op 'n perseel groei, of enige rommel daarop laat ophoop op 'n wyse of in hoeveelhede wat 'n brandgevaar vir enige gebou of enige perseel skep,

kan die brandweerhoof, by skriftelike kennisgewing, so 'n persoon gelas om die gemelde brandbare materiaal te verwyder, of om voor 'n vasgestelde datum sodanige ander redelike stappe soos wat hy of sy in sodanige kennisgewing voorskryf, te doen om die brandgevaar te verwyder.

(2) Waar daar nie aan die voorskrifte van so 'n kennisgewing voldoen word nie, kan die brandweerhoof sodanige stappe doen as wat hy of sy nodig ag om die gevaar te verwyder, en die koste daaraan verbonde word deur die persoon aan wie die kennisgewing gerig was, aan die Munisipaliteit betaal.

Veiligheid van persele en geboue

8. (1) Die brandweerhoof kan, wanneer hy of sy dit nodig ag, en te enige tyd wat volgens sy of haar mening redelik is in die omstandighede –

(a) enige grond, perseel of gebou binnegaan en –

(i) sodanige grond, perseel of gebou inspekteer om vas te stel of enige toestand bestaan wat 'n brand of noodgeval kan veroorsaak of die gevaar kan verhoog van, of bydra tot, die verspreiding van brand of skepping van 'n noodgeval, of die ontsnapping van persone na veiligheid in gevaar kan stel of verhinder;

(ii) enige brandalarm, sprinkelblusstelsel of enige ander brandbestrydings- of brandopsporingstoestel inspekteer;

(iii) enige vervaardigingsproses wat die gevaar van brand of ontploffing inhou, inspekteer;

(iv) die wyse van berging van enige vlambare gas, chemikalieë, olie, plofstowwe, vuurwerke of enige ander gevaarlike stowwe, inspekteer; en

(v) enige aanleg wat gebruik maak van enige van die stowwe na verwys in subparagraaf (iv), inspekteer;

(b) sodanige opdragte gee as wat hy of sy nodig ag vir die vermindering van 'n brand-risiko of vir die beskerming van lewe en eiendom.

(2) Waar die brandweerhoof vind dat op enige perseel –

(a) enige vlambare, brandbare of plofbare stowwe sò geberg of gebruik word dat die risiko op brand of gevaar vir lewe of eiendom in geval van brand verhoog word; of

(b) enige toestand of gebruik bestaan, wat na sy of haar mening, waarskynlik sodanige risiko of gevaar kan skep of vergroot of, waarskynlik met die werking van die diens kan inmeng, of die ontsnapping van persone na veiligheid kan belemmer; of

(c) enige blustoestelle gebrekkig, minderwaardig of van onvoldoende aantal is,

moet die brandweerhoof, behoudens die bepalings van subartikel (3), die eienaar of die okkupeerder van sodanige grond, perseel of gebou opdrag gee om onverwyld sodanige stappe te doen as wat hy of sy nodig ag om die gevaar uit te skakel.

(3) Waar die brandweerhoof in enige gebou of op enige perseel –

(a) enige versperring op of in enige brandtrap, trap, gang, deur of venster vind; of

(b) 'n nooduitgang vind wat na sy of haar mening, in geval van 'n brand, onvoldoende sal wees vir die ontsnapping na veiligheid van die getal persone wat waarskynlik te enige tyd in so 'n gebou of op so 'n perseel sal wees; of

(c) enige ander voorwerp of toestand van 'n strukturele aard of andersins vind wat, na sy of haar mening, die brandrisiko of die gevaar vir lewe of eiendom kan vergroot; of

(d) vind dat 'n brandalarm of ander stelsel van kommunikasie benodig word,

stel hy of sy die eienaar of okkupeerder van so 'n gebou of perseel skriftelik in kennis van sy of haar bevindings en vereis van hom of haar om binne 'n tydperk in die kennisgewing vermeld, sodanige stappe as wat in die kennisgewing vermeld word, te doen om die wantoestand reg te stel, op die koste van so 'n eienaar of bewoner.

(4) Waar die eienaar of okkupeerder versuim of weier om binne 'n redelike tydperk te voldoen aan 'n opdrag gegee ingevolge subartikel (2), of om binne die tydperk vermeld in 'n kennisgewing ingevolge subartikel (3), gevolg te gee aan die vereistes daarin vermeld, kan die Munisipaliteit sodanige stappe doen as wat, na die mening van die brandweerhoof, nodig is om die risiko of gevaar te verwyder en die Munisipaliteit kan enige uitgawe aangegaan, verhaal van sodanige eienaar of okkupeerder.

Uitgange

9. Elke deur wat 'n ontsnappingsroete na veiligheid vanuit 'n openbare gebou bied, word ongesluit gehou en word duidelik aangedui met goedgekeurde uitgangtekens: Met dien verstande dat so 'n deur gesluit kan wees deur middel van 'n goedgekeurde toestel op so 'n wyse geïnstalleer dat so'n deur te alle tye van die binnekant van so 'n gebou oopgemaak kan word.

Gasgevulde toestelle

10. (1) Niemand mag enige ballon, speelgoed of ander toestel met vlambare gas vul, sonder die skriftelike toestemming van die brandweerhoof, wat sodanige voorwaardes kan oplê as wat hy of sy mag vereis, met inagneming van al die omstandighede van die geval.

(2) Niemand mag enige ballon, speelgoed of ander toestel wat met vlambare gas gevul is, aanhou, berg, gebruik of vertoon of toelaat dat dit aangehou, gebruik, geberg of vertoon word op of in enige grond, gebou of perseel waartoe die publiek toegang het of wat as 'n klub of enige plek van samekoms gebruik word nie.

(3) Niks in hierdie artikel vervat, word so uitgelê dat dit die gebruik van ballonne wat met waterstof gevul is vir weerkundige of ander *bona fide* wetenskaplike of opvoedkundige of ander doeleindes, verbied nie.

Maak van vure

11. (1) Niemand mag 'n vuur maak of toelaat of veroorsaak dat 'n vuur gemaak word, in 'n plek of op 'n wyse wat 'n gevaar skep vir enige gebou, perseel of eiendom nie.

(2) Behoudens die bepalings van enige ander wet, mag niemand sonder die skriftelike toestemming van die brandweerhoof enige vuilgoed, hout, strooi of ander materiaal in die buitelug verbrand of veroorsaak, of toelaat dat dit gedoen word nie, behalwe vir doeleindes van voedselbereiding.

(3) 'n Toestemming ingevolge subartikel (2) verleen, is onderhewig aan die voorwaardes wat die brandweerhoof oplê.

Brande in skoorstene, pype en rookkanale

12. Geen eienaar of okkupeerder van 'n gebou mag toelaat dat roet of enige ander brandbare stof in enige skoorsteenpyp of rookkanaal van so 'n gebou versamel in hoeveelhede of op so 'n wyse dat dit 'n gevaar van brand inhou nie.

Teenwoordigheid van brandweerman

13. (1) Waar daar by 'n byeenkoms, gehou by 'n plek van vermaaklikheid of ontspanning, uitgesonderd 'n filmvertoning in 'n bioskoop of 'n opvoering in 'n teater, waarskynlik 'n honderd of meer persone teenwoordig sal wees, moet die persoon wat sodanige byeenkoms belê, 'n skriftelike kennisgewing, minstens 48 uur voor sodanige byeenkoms, aan die brandweerhoof aflewer waarin die tyd en die perseel waarop sodanige byeenkoms gaan plaasvind, gemeld word.

(2) Waar, na die mening van die brandweerhoof, die teenwoordigheid van 'n brandweerman op grond van veiligheid noodsaaklik is, kan hy of sy een of meer brandweermanne voorsien om teenwoordig te wees op enige perseel vir die volle duur of gedeelte van die byeenkoms.

(3) Die persoon in beheer van sodanige byeenkoms, betaal aan die Munisipaliteit die tariewe uiteengesit in die toepaslike tarief.

Verwydering van vloeistof of ander stowwe

14. Die brandweerhoof kan, op versoek van die eienaar of okkupeerder van enige perseel, enige vloeistof of ander stof uitpomp of op 'n ander wyse vanaf so 'n perseel verwyder, teen betaling van die gelde uiteengesit in die tarief.

Betaling vir bywoning en dienste

15. (1) Behoudens die bepalings van artikel 16, moet die eienaar of okkupeerder van grond of 'n perseel, of beide sodanige eienaar en okkupeerder gesamentlik en afsonderlik, of die eienaar van 'n voertuig, na gelang van die geval, waarvoor of in verband waarmee die bywoning van die diens versoek is of enige dienste gelewer is, aan die Munisipaliteit vir sodanige bywoning of diens, insluitende die gebruik en voorsiening van water, chemikalieë, uitrusting en ander middele, die tariewe betaal wat die brandweerhoof as verskuldig vasstel in ooreenstemming met die gelde uiteengesit in die tarief.

(2) Nieteenstaande die bepalings van subartikel (1), kan die brandweerhoof die hele of 'n gedeelte van die tariewe soos beoog in artikel (1) aanslaan: Met dien verstande dat sodanige gedeelte nie meer as negentig persent laer mag wees nie as die totaal van tariewe wat ingevolge subartikel (1) betaalbaar sou gewees het: Met dien verstande voorts dat by die aanslaan van sodanige tariewe of gedeelte daarvan, behoorlike aandag benewens ander toepaslike faktore, geskenk moet word aan –

(a) die feit dat die bedrag so aangeslaan eweredig met die gelewerde diens moet wees:

(b) die wyse en plek van oorsprong van die brand: en

(c) die verlies vir die persoon aanspreeklik om die tariewe te betaal wat deur die brand veroorsaak kon gewees het indien die dienste nie gelewer was nie.

Vrystelling van betaling van tariewe

16. Nieteenstaande die bepalings van artikel 15 is geen tariewe betaalbaar nie –

(a) waar 'n vals alarm te goeder trou gemaak is;

(b) waar die diens benodig is as gevolg van burgerlike opstand, oproer of natuurlike ramp;

(c) waar die diens gelewer is in belang van openbare veiligheid;

(d) waar die brandweerhoof van mening is dat die diens wat gelewer is van 'n suiwer menslike aard was of gelewer is uitsluitlik om 'n lewe te red;

(e) deur die eienaar van 'n voertuig, indien hy of sy tot die bevrediging van die brandweerhoof, bewys lewer dat sodanige voertuig gesteel is en dat dit nog nie deur hom of haar teruggevind is ten tye van die lewering van die diens ten opsigte daarvan nie;

(f) deur enige persoon, insluitende die Staat, waarmee die Munisipaliteit ingevolge artikel 12 van die Wet 'n ooreenkoms aangegaan het, waarby die dienste van die diens beskikbaar gestel word aan so 'n persoon teen betaling soos bepaal in sodanige ooreenkoms.

Vals inligting

17. Niemand mag opsetlik aan enige lid van die diens, enige kennis gee of enige inligting verskaf in verband met die uitbreek van 'n brand of van enige ander noodgeval wat die teenwoordigheid van die diens benodig, wat volgens sy of haar kennis, vals of onjuis is nie en sodanige persoon is, nieteenstaande die bepalings van artikel 16, aanspreeklik vir betaling van die uitroepgeld voorgeskryf in die tariewe.

Telefone, brandalarms en ander toestelle

18. (1) Die Munisipaliteit kan enige telefoon, brandalarm of ander toestel vir die geleiding van oproepe met betrekking tot brand, asook enige kennisgewing wat die naaste brandkraan of ander brandbestrydingstoerusting aanwys, aan enige gebou, muur, heining of ander struktuur aanheg of daarvan verwyder.

(2) Niemand mag enigiets wat aangeheg is ingevolge subartikel (1) beweeg, verwyder, skend, beskadig of daarmee peuter nie.

Strafbepaling

19. Enige persoon wat 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of by wanbetaling, met gevangenisstraf vir hoogstens 6 maande of tot beide 'n boete en sodanige gevangenisstraf.

Herroeping van wette en voorbehoude

20. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die

geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

21. Hierdie Verordening heet die Brandweerverordening, 2008

Verordening No. 12, 2008

VERORDENING OP DIE VERWYDERING VAN AFVALSTOWWE, 2008

VERORDENING

Om voorsiening te maak vir 'n diens vir die verwydering van afvalstowwe in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

INDELING VAN ARTIKELS

HOOFSTUK 7
ALGEMENE BEPALINGS

HOOFSTUK 8
GELDE, STRAFBEPALINGS EN HERROEPING VAN WETTE

HOOFSTUK 1
VULLISVERWYDERINGSDIENS

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**besigheidsafval**" afval, uitgesonderd bouersafval, lywige afval, huisafval of bedrysafval wat voortgebring word deur die gebruik van 'n perseel wat nie 'n private woonhuis is wat uitsluitlik vir woondoeleindes gebruik word nie;

"**bouersafval**" afval wat weens slopings-, uitgrawings- of boubedrywighede op 'n perseel voortgebring word;

"**eienaar**" –

(a) die persoon in wie die wettige eiendomstitel van die perseel van tyd tot tyd gevestig is;

(b) in die geval waar die persoon in wie die wettige eiendomstitel gevestig is, insolvent of oorlede is, of in enige toestand van regsonbevoegdheid is, die persoon in wie die administrasie en beheer van die perseel gevestig is as kurator, trustee, eksekuteur, administrateur, geregtelike bestuurder, bestuurder, likwidateur of ander regsverteenwoordiger;

(c) in enige geval waar die Munisipaliteit nie die identiteit van so 'n persoon kan vasstel nie, 'n persoon wat geregtig is op die voordeel van so 'n perseel of 'n gebou daarop;

(d) in die geval van 'n perseel waarop 'n huurkontrak van 30 jaar of langer aangegaan is, die huurder daarvan;

(e) met betrekking tot –

(i) 'n stuk grond wat op 'n deeltitelplan aangedui is ingevolge die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), sonder om bogenoemde te beperk, die ontwikkelaar of die bestuursliggaam met betrekking tot die gemeenskaplike eiendom;

(ii) 'n deel soos omskryf in daardie Wet, die persoon in wie se naam sodanige deel geregistreer is in 'n deeltitelakte en ook die wettig aangestelde agent van so 'n persoon;

(f) enige regspersoon met inbegrip van, maar nie beperk nie tot –

(i) 'n maatskappy geregistreer ingevolge die Wet op Maatskappye, 1973 (Wet No. 61 van 1973), 'n trust *inter vivos*, 'n trust *mortis causa*, 'n beslote korporasie geregistreer ingevolge die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984), 'n vrywillige assosiasie;

(ii) 'n Staatsdepartement;

(iii) 'n raad of direksie ingestel ooreenkomstig wetgewing van toepassing in die Republiek van Suid-Afrika; en

(iv) 'n ambassade of ander buitelandse entiteit;

"**huisafval**" afval wat normaalweg afkomstig is van 'n gebou wat vir woondoeleindes gebruik word, insluitende woonstelle, hospitale, skole, hostelle, kampongs, liefdadigheidsorganisasies, kerke en sale geleë op privaatgrond en wat met gemak sonder beskadiging van die plastiese voering, daarin verwyder kan word;

"**lywige afval**" afval, uitgesonderd bedryfsafval, afkomstig vanaf enige perseel, maar wat vanweë die massa, vorm, grootte of hoeveelheid daarvan nie maklik in 'n vullissak met 'n plastiese voering opgegaar of verwyder kan word nie;

"**lywige tuinafval**" afval soos boomstompe, boomtakke, laningstompe en -takke en enige tuinafval in hoeveelhede van meer as 2 kubieke meter;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**okkupeerder**" iemand wat 'n perseel of gedeelte daarvan okkupeer, ongeag in watter hoedanigheid hy of sy okkupeer;

"**openbare plek**" enige pad, straat, plein, park, ontspanningsgronde, sportgronde, sanitêre steeg of oop ruimte wat –

(a) met betrekking tot enige onderverdeling of uitleg van grond in erwe, persele of hoewes voorsien is, gereserveer is of opsy gesit is vir die gebruik van die publiek of vir gebruik deur die eienaars of okkupeerders van sodanige erwe, persele of hoewes, hetsy aangetoon op 'n algemene plan, 'n plan van onderverdeling of diagram, al dan nie;

(b) op enige tydstip aan die publiek toegewys is;

(c) ononderbroke vir 'n tydperk van 30 jaar na verstryking van 31 Desember 1959 deur die publiek gebruik is; of

(d) op enige tydstip as sodanig deur die Munisipaliteit of enige bevoegde gesag verklaar of toegewys is;

"**plastiese voering**" 'n plastiese sak deur die Munisipaliteit voorgeskryf wat binne-in 'n houer met 'n opgaarinhoud van hoogstens 0,1 kubieke meter geplaas kan word. Die sakke moet donkerkleurig wees met 'n grootte van 950 mm x 750 mm, lae digtheid materiaal, minimum dikte van 40 dikrometer of 20 dikrometer hoë digtheid;

"**spesiale bedryfsafval**" afval wat bestaan uit 'n vloeistof of slyk wat voortgebring word as gevolg van 'n vervaardigingsproses of die voorafbeplanning vir wegdoendoeleindes van bedryfsvloei-afval wat ingevolge die Munisipaliteit se Verordeninge nie in 'n perseelriool of in 'n straatriool losgelaat mag word nie;

"**tarief**" die tarief van gelde soos van tyd tot tyd deur die Munisipaliteit vasgestel;

"**tuinafval**" afval wat voortgebring word deur normale tuinbedrywighede soos gesnyde gras, blare, plante en blomme; en

"**vullisblik**" 'n standaard vullisblik met inhoudsmaat 0,1 kubieke meter of 85 liter soos deur die Munisipaliteit goedgekeur en wat deur die Munisipaliteit voorsien kan word. Die blik kan van gegalvaniseerde yster, rubber of politeen vervaardig wees.

Vullisverwydering

2. (1) Die Munisipaliteit lewer 'n diens vir die versameling en verwydering van besigheids- en huisafval van persele ooreenkomstig die tarief deur die Munisipaliteit bepaal.

(2) Die okkupeerder van 'n perseel waarop besigheids- of huisafval voortgebring word, moet van die Munisipaliteit se diens vir die versameling en verwydering van sodanige vullis gebruik maak, behalwe waar spesiale vrystelling deur die Munisipaliteit verleen word.

(3) Die eienaar van 'n perseel waarop besigheids- of huisafval voortgebring word, is aanspreeklik teenoor die Munisipaliteit vir betaling van alle gelde wat ten opsigte van die versameling en verwydering van afval van sodanige perseel betaalbaar is.

Kennisgewing aan die Munisipaliteit

3. Die okkupeerder, of waar die perseel deur meer as een mens geokkupeer word, die eienaar van die perseel waarop besigheids- of huisafval voortgebring word, stel binne 7 dae vanaf die dag waarop die afval begin ontstaan, die Munisipaliteit in kennis dat –

(a) die perseel geokkupeer word; en

(b) of daar besigheids- of huisafval op die perseel voortgebring word.

Verskaffing van vullisblikke en houereenhede

4. (1) Die Munisipaliteit bepaal die soort en aantal houers wat op 'n perseel benodig word.

(2) Indien die Munisipaliteit 'n houer verskaf, word sodanige houer gratis, òf teen die heersende pryse, òf 'n huurtarief, na gelang die Munisipaliteit mag bepaal, verskaf.

(3) Indien die Munisipaliteit dit vereis, is die eienaar van 'n perseel verantwoordelik vir die verskaffing van 'n voorafbepaalde soort en aantal houers.

(4) Die Munisipaliteit kan houereenhede aan 'n perseel verskaf as hy, met inagneming van die hoeveelheid besigheidsafval wat op die betrokke perseel voortgebring word, die opbergbaarheid van die afval in vullisblikke en die toeganklikheid vir die Munisipaliteit se afvalverwyderingsvoertuie na die plek deur

die eienaar van die perseel ingevolge artikel 5 voorsien, van mening is dat die houereenhede geskikter as vullisblikke is om die afval in te berg: Met dien verstande dat houereenhede nie op 'n perseel verskaf word nie, tensy die plek deur die eienaar ingevolge artikel 5 voorsien, vir die Munisipaliteit se afvalverwyderingsvoertuie vir houereenhede toeganklik is.

Plasing van vullisblikke, houereenhede, ens.

5. (1) Die eienaar van 'n perseel moet op die perseel voorsiening maak vir genoeg plek vir die vullisblikke wat die Munisipaliteit ingevolge artikel 4 verskaf of vir die uitrusting en houers wat in artikel 7(1) genoem word.

(2) Die plek waarvoor daar ingevolge subartikel (1) voorsiening gemaak word moet –

(a) so geleë wees op die perseel dat die vullisblikke wat daarop geberg word nie van 'n straat of ander opbenbare plek af sigbaar is nie;

(b) waar huisafval op 'n perseel voortgebring word –

(i) so geleë wees dat die Munisipaliteit se werknemers die afval onbelemmerd kan versamel en verwyder;

(ii) nie verder as 20 m van die ingang van die perseel wat die Munisipaliteit se werknemers gebruik, geleë wees nie;

(c) as die Munisipaliteit dit vereis, so geleë wees dat daar 'n gerieflike in- en uitgang vir die Munisipaliteit se afvalverwyderingsvoertuie by so 'n plek is;

(d) groot genoeg wees sodat 'n houer wat vir die sorteer en opberg van afval by artikel 6(1)(a)(i) en 7(9) beoog word, daar gehou kan word, benewens die afval wat nie in 'n houer opgeberg word nie: Met dien verstande dat hierdie vereiste nie geld vir geboue wat opgerig is, of geboue waarvan die bouplanne goedgekeur is voordat hierdie Verordening van krag geword het nie.

(3) Die okkupeerder van die perseel, of as daar meer as een okkupeerder is, die eienaar van so 'n perseel, moet die vullisblikke wat ingevolge artikel 4 verskaf is, op die plek wat ingevolge subartikel (1) verskaf moet word, plaas en hulle te alle tye daar hou.

(4) Ondanks enige andersluidende bepaling van subartikel (3), kan die Munisipaliteit

(a) waar geboue opgerig is, of waarvan die bouplanne goedgekeur is voordat hierdie Verordening van krag geword het; en

(b) as die Munisipaliteit na sy mening nie besigheidsafval van die plek af waarvoor daar ingevolge subartikel (1) voorsiening gemaak is, kan versamel en verwyder nie,

'n plek op of buitekant die perseel aanwys waar die vullisblikke geplaas moet word waar hulle nie 'n oorlas sal skep nie en waarvandaan dit gerieflik sal wees om die afval te versamel en te verwyder, en die vullisblikke moet op daardie plekke geplaas word op die tye en vir die tydperke soos deur die Munisipaliteit bepaal.

Gebruik en versorging van houers en plastiese voerings

6. (1) Die okkupeerder van 'n perseel, of as daar meer as een okkupeerder is, die eienaar van so 'n perseel, moet sorg dat –

(a) alle huis- of besigheidsafval wat op die perseel voortgebring word, in die plastiese voerings geplaas en gehou word, sodat die Munisipaliteit dit kan verwyder: Met dien verstande dat die bepalings van hierdie subartikel nie verhoed dat 'n okkupeerder of eienaar, na gelang van die geval –

(i) wat vooraf van die Munisipaliteit skriftelike toestemming verkry het, draf, riffelkarton, papier, glas of ander materiaal wat 'n bestandeel van besigheidsafval is, verkoop of dit andersins mee wegdoen sodat dit deur 'n vervaardigingsproses herwin kan word, of, in die geval van draf, vir verbruikersdoeleindes gebruik kan word nie; of

(ii) van die huisafval wat vir komposdoeleindes geskik is, gebruik maak nie;

(b) geen warm as, glasskerwe of ander besigheids- of huisafval wat die plastiese voering kan beskadig of die Munisipaliteit se werknemers kan beseer terwyl hulle hul pligte ingevolge hierdie Verordening uitvoer, in die voerings geplaas word tensy hy of sy die nodige stappe geneem het om sodanige skade of beserings te voorkom nie;

(c) geen materiaal, insluitende vloeistof, wat weens die massa of ander eienskappe daarvan, dit waarskynlik vir die Munisipaliteit se werknemers onredelik moeilik sal maak om die plastiese voerings te hanteer of te dra, in sodanige voerings geplaas word nie;

(d) elke houer op die perseel toe is, behalwe wanneer afval daarin geplaas of daaruit verwyder word, en dat elke houer skoon en higiënies gehou word;

(e) niemand enige afval op 'n ander plek stort as in die vullishouer wat vir daardie doel voorsien is nie.

(2) Geen houer mag vir 'n ander doel, as om besigheids- of huis- of tuinafval in te hou, gebruik word nie en geen vuur mag daarin gemaak word nie.

(3) Waar 'n houer ingevolge artikel 4(4) op 'n perseel verskaf is, moet die okkupeerder van sodanige perseel, 24 uur voordat die houer waarskynlik heeltemal vol sal wees, die Munisipaliteit daarvan verwittig.

(4) Die eienaar van 'n perseel waar vullisblikke of houereenhede ingevolge artikel 4 of 11 verskaf is, is teenoor die Munisipaliteit aanspreeklik vir die verlies daarvan, asook enige skade daaraan, behalwe vir verlies of skade wat deur die Munisipaliteit se werknemers veroorsaak is.

(5) Plastiese voerings met huis- of tuinafval, of albei, word behoorlik toegebind en moet slegs op die dag van verwydering, soos deur die Munisipaliteit bepaal, teen die omheining aan die buitekant van die perseel naby die perseelingang of toegangspad, nie later nie as 07:00, geplaas word.

HOOFSTUK 2
AFVALVERDIGTING

Afvalverdigting

7. (1) Indien die hoeveelheid huis- of besigheidsafval wat op 'n perseel voortgebring word sodanig is dat die grootste gedeelte van sodanige afval na die mening van die Munisipaliteit verdigbaar is, of indien die eienaar of okkupeerder van die perseel verlang om sodanige afval te verdig, moet sodanige eienaar of okkupeerder, na gelang van die geval, die digtheid van daardie gedeelte van sodanige afval verhoog deur middel van goedgekeurde toerusting wat ontwerp is om afval te kerf, of te verdig, en moet die afval wat so behandel is in 'n goedgekeurde plastiese, papier- of ander vernietigbare houer, of in 'n verdigtingsgeenheidhouer plaas en is die bepalings van artikel 4 nie op sodanige verdigte afval van toepassing nie.

(2) Die inhoudsvermoë van die plastiese, papier- of ander vernietigbare houer waarna in subartikel (1) verwys word, moet nie 0,1 kubieke meter oorskry nie.

(3) Nadat die afval soos in subartikel (1) beoog, behandel en in 'n plastiese, papier- of ander vernietigbare houer geplaas is, moet sodanige houer in 'n houer of houereenheid geplaas word.

(4) Die bepalings van subartikel (1) is, vir sover dit die verdigting van huis- of besigheidsafval verpligtend maak, nie van toepassing nie, voordat 'n tydperk van 6 maande verloop het vanaf die datum van betekening van 'n kennisgewing tot dien effekte deur die Munisipaliteit.

(5) "Goedgekeur" beteken, vir die toepassing van subartikel (1), goedgekeur deur die Munisipaliteit met inagneming van die doelmatigheid van die toerusting of houer vir die doel waarvoor dit gebruik gaan word, asook die redelike vereistes van die besondere geval vanuit 'n openbare gesondheids-, bergings- vullisversamelings- en verwyderingsoogpunt.

(6) Die eienaar of die okkupeerder, na gelang van die geval, moet die houers in subartikel (1) vermeld, verskaf.

(7) Indien die houer waarna in subartikel (1) verwys word van staal vervaardig is, moet sodanige houer, nadat dit deur die Munisipaliteit afgehaal en leeggemaak is, na die perseel teruggebring word.

(8) Die Munisipaliteit verwyder en maak die houers waarna in subartikel (1) verwys word leeg met sodanige tussenpose as wat die Munisipaliteit onder die omstandighede nodig mag ag.

(9) Die bepalings van hierdie artikel verhoed nie enige eienaar of okkupeerder, na gelang van die geval, om nadat die Munisipaliteit se skriftelike toestemming vooraf verkry is, draf, riffelkarton, papier, glas of ander materiaal wat 'n bestanddeel van besigheidsafval is, te verkoop of andersins mee weg te doen sodat dit deur 'n vervaardigingsproses herwin kan word, of, in die geval van draf, vir verbruikersdoeleindes gebruik kan word nie.

HOOFSTUK 3
TUINAFVAL, LYWIGE TUINAFVAL EN ANDER LYWIGE AFVAL

Verwydering van tuinafval, lywige tuinafval en ander lywige afval

8. (1) Die okkupeerder, of as daar meer as een okkupeerder is, die eienaar van 'n perseel waarop tuinafval, lywige tuinafval of ander lywige afval voortgebring word, moet toesien dat die afval ingevolge hierdie hoofstuk mee weggedoen word binne 'n redelike tydperk nadat dit ontstaan het.

(2) Enigiemand kan tuinafval, lywige tuinafval of ander lywige afval verwyder en daarmee wegdoen.

(3) Tuinafval, lywige tuinafval of ander lywige afval moet, nadat dit van die perseel waarop dit voortgebring is, verwyder is, mee weggedoen word op 'n terrein wat deur die Munisipaliteit as stortingsterrein vir sodanige afval aangewys is.

Die Munisipaliteit se buitengewone diens

9. Die Munisipaliteit verwyder, mits hy dit met sy afvalverwyderingsuitrusting kan doen, op versoek van 'n eienaar of 'n okkupeerder van 'n perseel, lywige tuinafval of ander afval van die perseel af. Alle sodanige afval moet binne 'n afstand van 3 m vanaf die grenslaaipunt geplaas word, maar nie op die sypaadjie nie.

Aanspreeklikheid vir bouersafval

10. (1) Die eienaar van die perseel waarop bouersafval voortgebring word en die persoon wat betrokke is by die bedrywigheid wat sodanige afval laat ontstaan, moet sorg dat –

(a) binne 'n redelike tydperk nadat dit voortgebring is, met die afval weggedoen word ooreenkomstig die bepalings van artikel 12;

(b) tot tyd en wyl met die bouersafval weggedoen word, dit asook die houers waarin dit gehou en verwyder word, op die perseel waar dit voortgebring is, gehou word.

(2) Enigiemand kan 'n diens vir die verwydering van bouersafval lewer. Indien die Munisipaliteit so 'n diens lewer, geskied dit teen die voorgeskrewe tarief.

Houers

11. (1) Indien houers of ander vraghouers wat gebruik word vir die verwydering van bouersafval, lywige tuinafval of ander afval van 'n perseel af, na die Munisipaliteit se mening nie op die perseel gehou kan word nie, kan die houers of ander vraghouers, met die Munisipaliteit se skriftelike toestemming, vir die duur van die toestemming langs die straat gehou word.

(2) Toestemming wat ingevolge subartikel (1) verleen word, is onderworpe aan die voorwaardes wat die Munisipaliteit nodig mag ag: Met dien verstande dat indien die Munisipaliteit sy toestemming verleen of weier of voorwaardes stel, die gerief en veiligheid van die publiek in ag geneem moet word.

(3) Elke houer of ander vraghouer wat vir die verwydering van bouersafval gebruik word, moet –

(a) duidelik gemerk wees met die naam en adres of telefoonnommer van die persoon wat verantwoordelik is vir die houer of ander vraghouer;

(b) toegerus wees met kaatschevrons of kaatsers wat die hele voor- en agterkant daarvan duidelik belyn; en

(c) te alle tye toegemaak wees, sodat daar geen verplasing van die inhoud of 'n stofoorlas kan ontstaan nie, behalwe wanneer dit werklik met afval gevul of wanneer dit leeggemaak word.

Wegdoening van bouersafval

12. (1) Alle bouersafval moet, behoudens die bepalings van subartikel (2), op die Munisipaliteit se afvalstortingsterreine gestort word, nadat die storter die tarief daarvoor betaal het.

(2) Bouersafval mag, met die Munisipaliteit se skriftelike toestemming, vir grondherwinningsdoeleindes op 'n ander plek as die Munisipaliteit se afvalstortingsterreine gestort word.

(3) Toestemming wat ingevolge subartikel (2) verleen word, word verleen onderworpe aan die voorwaardes wat die Munisipaliteit nodig mag ag: Met dien verstande dat die Munisipaliteit –

(a) die openbare veiligheid;

(b) die omgewing van die beoogde stortingsterrein;

(c) die geskiktheid van die gebied met inbegrip van dreinering daarvan;

(d) die verwagte tye en wyse waarop afval op die terrein gestort word;

(e) die gelykmaking van die terrein;

(f) stofbeheer; en

(g) enige ander tersaaklike faktore,

in ag moet neem wanneer hy sy toestemming verleen of dit weier of wanneer voorwaardes gestel word.

HOOFSTUK 4
SPESIALE BEDRYFSAFVAL

Kennisgewing van die ontstaan van spesiale bedryfsafval

13. (1) Die persoon wat betrokke is by bedrywighede wat spesiale bedryfsafval voortbring, moet die Munisipaliteit verwittig waaruit dit bestaan, die hoeveelheid voortgebring, hoe dit opgeberg word en wanneer dit verwyder sal word.

(2) Die kennisgewing waarna in subartikel (1) verwys word, moet, as die Munisipaliteit dit vereis, gestaaf word deur 'n ontleding wat deur 'n gekwalifiseerde bedryfskeikundige gewaarmerk is.

(3) Iemand wat deur die Munisipaliteit behoorlik daartoe gemagtig is, kan behoudens die bepalings van hierdie Verordening, 'n perseel te enige redelike tyd betree ten

einde vas te stel of spesiale bedryfsafval op so 'n perseel voortgebring word, om monsters te neem en om afval wat op die perseel gevind word, te toets om vas te stel waaruit dit bestaan.

(4) Die persoon in subartikel (1) genoem, verwittig die Munisipaliteit van enige verandering in die samestelling en die hoeveelheid spesiale bedryfsafval wat van tyd tot tyd voortgebring mag word.

Opberging van spesiale bedryfsafval

14. (1) Die persoon in artikel 13(1) genoem, moet sorg dat die spesiale bedryfsafval wat op die perseel voortgebring word, ingevolge subartikel (2) op die perseel gehou en opgeberg word totdat dit ingevolge artikel 15 van die perseel verwyder word.

(2) Spesiale bedryfsafval wat op 'n perseel opgeberg word, moet op so wyse opgeberg word dat dit nie 'n oorlas veroorsaak of die omgewing besoedel nie.

(3) Indien spesiale bedryfsafval nie ingevolge subartikel (2) op die perseel waarop dit voortgebring is opgeberg word nie, kan die Munisipaliteit die eienaar van die perseel, en die persoon in artikel 13(1) genoem, gelas om die afval binne 'n redelike tydperk te verwyder en indien die afval nie binne die tydperk verwyder is nie, kan die Munisipaliteit dit op koste van die eienaar verwyder.

Verwydering van spesiale bedryfsafval

15. (1) Niemand mag sonder, of anders as ooreenkomstig die Munisipaliteit se skriftelike toestemming, spesiale bedryfsafval verwyder van die perseel waarop dit voortgebring word nie.

(2) Die Munisipaliteit verleen toestemming ingevolge subartikel (1), onderworpe aan die voorwaardes wat hy nodig mag ag. Wanneer die Munisipaliteit voorwaardes stel, neem hy –

(a) die samestelling van die spesiale bedryfsafval;

(b) die geskiktheid van die voertuig en die houer wat gebruik sal word;

(c) die plek waar die afval gestort gaan word; en

(d) bewys aan die Munisipaliteit van sodanige storting,

in ag.

(3) Die Munisipaliteit verleen nie ingevolge subartikel (1) toestemming nie, tensy hy oortuig is dat die persoon wat om toestemming aansoek doen, in staat is om die spesiale afval te verwyder, oor die uitrusting wat vir verwydering van die spesiale bedryfsafval nodig is beskik, en aan die voorwaardes van die Munisipaliteit kan voldoen.

(4) Die persoon in artikel 13(1) genoem, moet die Munisipaliteit so dikwels as wat die Munisipaliteit mag bepaal, met inagneming van die inligting wat ingevolge artikel 13(1) aan die Munisipaliteit verstrek moet word, inlig in verband met die verwydering van spesiale bedryfsafval, die identiteit van die verwyderaar, die verwyderingsdatum, die hoeveelheid en die samestelling van die spesiale afval wat verwyder word.

(5) Indien iemand op heterdaad betrap word terwyl hy of sy die bepalings van hierdie artikel oortree, moet hy of sy met die afval op die wyse deur die Munisipaliteit bepaal, wegdoen.

HOOFSTUK 5
STORTINGSTERREINE

Gedrag by stortingsterreine

16. (1) Iemand wat 'n stortingsterrein waaroor die Munisipaliteit beheer uitoefen, vir afvalstortdoeleindes betree, moet –

(a) die stortingsterrein slegs by die gemagtigde ingangsplek binnegaan;

(b) al die besonderhede wat die Munisipaliteit betreffende die samestelling van die afval verlang, verstrek; en

(c) alle opdragte aan hom of haar in verband met toegang tot die werklike stortingsplek, die plek waar en die manier waarop die afval gestort moet word, nakom.

(2) Niemand mag sterk drank na 'n stortingsterrein waaroor die Munisipaliteit beheer uitoefen, bring nie.

(3) Niemand mag 'n stortingsterrein waaroor die Munisipaliteit beheer uitoefen, binnegaan nie, behalwe met die doel om afval ingevolge hierdie Verordening mee weg te doen en dan slegs op die tye wat die Munisipaliteit van tyd tot tyd mag bepaal.

Eiendomsreg op afval

17. (1) Alle afval deur die Munisipaliteit verwyder en alle afval op afvalstortingsterreine waaroor die Munisipaliteit beheer uitoefen, is die eiendom van die Munisipaliteit en niemand wat nie behoorlik deur die Munisipaliteit daartoe gemagtig is nie, mag dit verwyder of hom of haar daarmee bemoei nie.

(2) Slegs afval voortgebring op persele wat binne die regsgebied van die Munisipaliteit geleë is, mag op die Munisipaliteit se stortingsterreine mee weggedoen word.

HOOFSTUK 6
ROMMELSTROOIERY, STORTING EN VERWANTE AANGELEENTHEDE

Rommelstrooiery en storting

18. Niemand mag –

(a) afval van enige aarde in of op 'n openbare plek, leë standplaas, leë erf, stroom of waterloop gooi, laat val, stort of mors nie;

(b) afval in 'n straatvoor op 'n openbare plek invee nie; of

(c) iemand oor wie hy of sy beheer uitoefen, toelaat om enigiets in paragrawe (a) en (b) genoem, te doen nie.

Goed wat laat vaar is

19. (1) Enigiets, met uitsondering van 'n voertuig, wat in 'n openbare plek agtergelaat is, en wat, met inagneming van –

(a) die plek waar dit agtergelaat is;

(b) die tydperk wat dit agtergelaat is;

(c) die aard en toestand daarvan,

geag kan word as verlate, kan deur die Munisipaliteit verwyder en mee weggedoen word.

(2) Indien die Munisipaliteit bewus is van die identiteit van die eienaar van die verlate ding, kan die Munisipaliteit die koste in verband met die verwydering en wegdoening van die ding, indien enige, van die eienaar verhaal.

(3) By die uitleg van subartikel (1), word 'n winkeltrollie geag nie 'n voertuig te wees nie.

HOOFSTUK 7
ALGEMENE BEPALINGS

Toegang tot 'n perseel

20. (1) Die okkupeerder van 'n perseel moet, as die Munisipaliteit 'n afvalverwyderingsdiens lewer, aan die Munisipaliteit toegang verleen vir afhaal- en verwyderingsdoeleindes, en hy of sy moet sorg dat niks die Munisipaliteit in die lewering van sy dienste dwarsboom, fnuik of hinder nie.

(2) As die versameling of verwydering van afval van 'n perseel na die mening van die Munisipaliteit waarskynlik skade aan die perseel of aan die Munisipaliteit se eiendom tot gevolg kan hê, of kan lei tot die besering van die afvalverwyderaars, of iemand anders, kan die Munisipaliteit as 'n voorwaarde vir die lewering van 'n afvalverwyderingsdiens aan die perseel, van die eienaar of okkupeerder vereis dat hy of sy die Munisipaliteit skriftelik vrywaar teen sodanige skade of beserings of teen 'n eis wat uit een of albei hiervan mag voortspruit.

Ophoping van afval

21. As enige kategorie afval wat in Hoofstuk 1 van hierdie Verordening omskryf word, op 'n perseel ophoop sodat dit 'n oorlas veroorsaak of waarskynlik 'n oorlas sal veroorsaak, kan die Munisipaliteit sodanige afval spesiaal verwyder en die eienaar is ten opsigte van sodanige spesiale verwydering aanspreeklik vir die betaling van die gelde daarvoor.

HOOFSTUK 8
GELDE, STRAFBEPALINGS EN HERROEPING VAN WETTE

Gelde

22. (1) Iemand aan wie die Munisipaliteit 'n diens ingevolge hierdie Verordening gelewer het, is behoudens andersluidende bepalings van hierdie Verordening, aanspreeklik vir die gelde wat vir sodanige diens aan die Munisipaliteit betaal moet word.

(2) Die Munisipaliteit staak 'n diens wat gelewer word en waarvoor maandeliks gelde voorgeskryf is, slegs nadat 'n skriftelike kennisgewing van die eienaar of okkupeerder van die perseel waar die diens gelewer word, ontvang is, dat daar nie meer huis- of besigheidsafval voortgebring word nie, of as dit vir die Munisipaliteit duidelik blyk dat daar nie meer afval op die perseel voortgebring word nie.

(3) Die maandelikse gelde is betaalbaar totdat die Munisipaliteit die kennisgewing in subartikel (2) vermeld, ontvang het, of dit vir die Munisipaliteit duidelik blyk dat daar nie meer afval op die perseel voortgebring word nie.

Strafbepaling

23. Enige persoon wat 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete, of by wanbetaling, met gevangenisstraf vir hoogstens 6 maande of tot beide 'n boete en sodanige gevangenisstraf.

Herroeping van wette en voorbehoude

24. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

25. Hierdie Verordening heet die Verordening op Verwydering van Afvalstowwe, 2008

Verordening No. 13, 2008

KARAVAANPARKVERORDENING, 2008

VERORDENING

Om voorsiening te maak vir uitleg van karavaanparke in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**karavaan**" 'n voertuig wat toegerus is vir die gebruik deur mense vir slaap- en woondoeleindes, hetsy die voetuig 'n sleepwa is, al dan nie, en ook sy trekvoertuig;

"**karavaanpark**" 'n karavaanpark uitgelê of geag uitgelê te wees kragtens artikel 2;

"**munisipale grond**" grond geleë binne die regsgebied van die Munisipaliteit, waarvan die Munisipaliteit die eienaar is of waarvan die beheer, tot die volle uitsluiting van die eienaar, in die Munisipaliteit gevestig is;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**opsigter**" 'n beampte deur die Munisipaliteit as opsigter van 'n karavaanpark ingevolge artikel 3 aangestel; en

"**staanplek**" enige stuk grond wat gereserveer is binne 'n karavaanpark vir –

(i) die parkering van 'n karavaan; of

(ii) die oprig van 'n tent en parkering van die voertuig van sy bewoners.

Uitleg van karavaanparke

2. (1) Die Munisipaliteit kan karavaanparke op munisipale grond uitlê, in stand hou en bedryf.

(2) 'n Karavaanpark op munisipale grond geleë, wat reeds deur die Munisipaliteit bedryf word wanneer hierdie Verordening in werking tree, word, vir alle doeleindes, geag ooreenkomstig subartikel (1) uitgelê te wees.

(3) Die Munisipaliteit verdeel 'n karavaanpark in staanplekke en voorsien die noodsaaklike ablusie- en ander geriewe wat deur besoekers benodig mag word.

Aanstelling van opsigter en ander beamptes

3. (1) Die Munisipaliteit stel 'n opsigter en sodanige ander beamptes aan as wat nodig mag wees vir die bedryf van elke karavaanpark.

(2) Die opsigter ingevolge subartikel (1) vir 'n karavaanpark aangestel, is verantwoordelik –

(a) vir invordering van die gelde van tyd tot tyd deur die Munisipaliteit bepaal vir gebruik van die karavaanpark en sy geriewe;

(b) vir onderhoud van die ablusie- en ander geriewe van die karavaanpark;

(c) daarvoor om plekbesprekings te doen vir besoekers wat begerig is om voorafbesprekings te doen;

(d) vir toewysing van staanplekke aan besoekers; en

(e) vir enige ander aangeleentheid wat op die alledaagse bedryf van die karavaanpark betrekking het.

Tariewe

4. Die gelde betaalbaar vir die gebruik van die karavaanpark word deur die Munisipaliteit bepaal. Sodanige gelde is aan die opsigter vooruitbetaalbaar en 'n kwitansie daarvoor word deur hom of haar uitgereik.

Toestemming om langer as 30 dae te bly

5. Iemand wat vir 'n langer tydperk as 30 dae in die karavaanpark wil bly, moet skriftelik aansoek vir goedkeuring by die Munisipaliteit doen.

Reëls wat deur gebruikers van karavaanparke nagekom moet word

6. (1) Niemand mag –

(i) 'n karavaan parkeer of 'n tent opslaan op 'n ander plek as op die staanplek aan hom of haar deur die opsigter toegewys nie;

(ii) 'n draadheining of enige ander heining in of rondom die karavaanpark beskadig of oor of deur sodanige heining klim nie;

(iii) 'n vuur in 'n karavaanpark aansteek, behalwe in die vuurmaakplekke wat vir die doeleindes voorsien word nie;

(iv) enige steurnis, oorlas, belemmering of hindernis veroorsaak wat aanstoot aan enige ander persoon in die karavaanpark kan gee nie;

(v) 'n troeteldier of ander dier in 'n karavaanpark aanhou nie, met uitsondering van 'n hond, en dan slegs op voorwaarde dat die hond te alle tye aan 'n leiband gehou word;

(vi) enige kledingstuk elders was of uithang om droog te word as op die plek wat daarvoor voorsien is nie;

(vii) met vullis wegdoen op enige ander plek in 'n karavaanpark as in die vullisdromme wat vir hierdie doeleindes voorsien is nie;

(viii) natuurlike voorwerp, enige flora, fauna, nes, voorwerp van historiese-, argeologiese- of wetenskaplike belang of enige eiendom van die Munisipaliteit binne die grense van die karavaanpark verwyder, beskadig, ontsier of vernietig nie.

(2) Iemand wat die bepalings van subartikel (1) oortree of versuim om daaraan te voldoen, kan –

(a) deur die opsigter gelas word om summier die karavaanpark te verlaat; en

(b) deur die Munisipaliteit vir 'n bepaalde tydperk, of in geval van ernstige of volgehoue oortreding, permanent verbied word om die karavaanpark binne te gaan en sy geriewe te gebruik.

Herroeping van wette en voorbehoude

7. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

8. Hierdie Verordening heet die Karavaanparkverordening, 2008

Verordening No. 14, 2008

SWEMBADVERORDENING, 2008

VERORDENING

Om voorsiening te maak vir die oprigting van munisipale swembaddens in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**munisipale grond**" grond geleë binne die regsgebied van die Munisipaliteit, waarvan die Munisipaliteit die eienaar is of waarvan die beheer, tot die volle uitsluiting van die eienaar, in die Munisipaliteit gevestig is;

"**munisipale swembad**" 'n swembad opgerig of geag opgerig te wees kragtens artikel 2;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**reëls**" reëls ingevolge artikel 5(1) gemaak; en

"**superintendent**" die beampte deur die Munisipaliteit ingevolge artikel 3(1) aangestel.

Oprigting van munisipale swembaddens

2. (1) Die Munisipaliteit kan op munisipale grond, munisipale swembaddens oprig, in stand hou en bedryf.

(2) 'n Swembad op munisipale grond geleë, wat reeds deur die Munisipaliteit bedryf word wanneer hierdie Verordening in werking tree, word vir alle doeleindes geag ooreenkomstig subartikel (1) opgerig te wees.

(3) Die Munisipaliteit voorsien kleedkamers, toilette en ander geriewe vir besoekers by 'n munisipale swembad.

Aanstelling van superintendent

3. (1) Die Munisipaliteit stel vir elke munisipale swembad 'n superintendent aan.

(2) Die superintendent ingevolge subartikel (1) aangestel, is verantwoordelik –

(a) vir die behoorlike en higiëniese onderhoud van die swembad en sy geriewe;

(b) vir die instel en byhou van voldoende veiligheidsmaatreëls by die swembad;

(c) vir die invordering van gelde wat 'n besoeker aan die swembad moet betaal;

(d) daarvoor om toe te sien dat die reëls nagekom word; en

(e) vir die alledaagse bedryf van die swembad en aangeleenthede wat daarmee in verband staan.

Gelde

4. Die Munisipaliteit kan gelde wat deur 'n besoeker aan 'n munisipale swembad betaal moet word, hef.

Reëls wat deur besoekers aan munisipale swembaddens nagekom moet word

5. (1) Die Munisipaliteit kan reëls wat deur 'n besoeker aan 'n munisipale swembad nagekom moet word, maak.

(2) Reëls ingevolge subartikel (1) gemaak, kan voorsiening maak vir sake aangaande die veiligheid en algemene gedrag van besoekers aan munisipale swembaddens.

(3) 'n Afskrif van die reëls wat by 'n munisipale swembad geld, word in vetskrif vertoon op 'n kennisgewingbord opgerig by die ingang en aan die binnekant van die munisipale swembad.

(4) 'n Besoeker aan 'n munisipale swembad wat die reëls wat by daardie swembad nagekom moet word, oortree of versuim om daaraan te voldoen –

(a) kan deur die superintendent gelas word om die swembad summier te verlaat;

(b) kan deur die Munisipaliteit vir 'n bepaalde tydperk, of in geval van ernstige of volgehoue oortreding, permanent verbied word om die swembad te besoek.

Herroeping van wette en voorbehoude

6. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

7. Hierdie Verordening heet die Swembadverordening, 2008

Verordening No. 15, 2008

VERORDENING OP DIE MUNISIPALE MEENT, 2008

VERORDENING

Om voorsiening te maak vir 'n munisipale meent vir die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**dorp**" 'n dorp soos omskryf in artikel 1 van die Opmetingswet, 1997 (Wet No. 8 van 1997);

"**hierdie Verordening**" ook die voorskrifte ingevolge artikel 7 uitgereik;

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**munisipale grond**" grond geleë binne die regsgebied van die Munisipaliteit, maar buite die grense van 'n dorp, waarvan die Munisipaliteit die eienaar is of waarvan die beheer, tot die volle uitsluiting van die eienaar in die Munisipaliteit gevestig is; en

"**Munisipaliteit**" die Thembelihle munisipaliteit.

Aanwysing van grond as gemeenskaplike weiveld

2. (1) Die Munisipaliteit kan, behoudens die bepalings van die een of ander wet of 'n beperking op die gebruik van grond vervat in die titelakte van die grond, by kennisgewing in die *Provinsiale Koerant* en met ingang van 'n datum in die kennisgewing vermeld –

(a) munisipale grond as gemeenskaplike weiveld aanwys;

(b) te eniger tyd 'n verdere omskrewe stuk of stukke munisipale grond by enige aldus aangewese gemeenskaplike weivel toevoeg;

(c) behoudens die bepalings van subartikel (2), te eniger tyd grond wat deel vorm van die gemeenskaplike weiveld, gedeeltelik of in die geheel aan die aanwysing daarvan as so 'n weiveld onttrek.

(2) Die Munisipaliteit mag nie met die grond bedoel in subartikel (1)(a) of (b) kragtens subartikel (1)(c) handel of dit vervreem nie –

(a) alvorens 'n kennisgewing in die *Provinsiale Koerant* gepubliseer is nie wat
(b)

(i) stipuleer watter stuk of stukke grond hy oorweeg om te onttrek of vervreem;

(ii) belanghebbende persone uitnooi om 'n vergadering op 'n plek en datum in die kennisgewing vermeld by te woon ten einde die voorgenome onttrekking of vervreemding te bespreek;

(iii) die voorgenome datum of datums noem waarop daar beoog word om sodanige stuk of stukke grond te onttrek of te vervreem; en

(c) alvorens elke permit vir die weiding van vee op die stuk of stukke grond wat hy beoog om te onttrek of vervreem verval het nie.

Kantoor van die Meentbestuurder

3. (1) Die Munisipaliteit stel iemand as Meentbestuurder, wat direk aan die Munisipale Bestuurder verantwoordelik is aan.

(2) Die Meentbestuurder moet sorg vir die behoorlike bestuur en onderhoud van alle grond wat deel van die meent uitmaak.

(3) Die Munisipaliteit stel, in die Kantoor van die Meentbestuurder –

(a) vir elke stuk grond wat deel van die meent uitmaak, 'n veldwagter aan om die dag-tot-dag bestuur van die stuk grond te behartig;

(b) die persone aan wat nodig mag wees om behoorlik rekord te hou ten opsigte van grond wat deel uitmaak van die meent, kaarte, kampe, toewysing van vee, beweging van vee, houers van weidingspermitte op die meent, die merk van vee, veesiektes, betalings en ander aangeleenthede rakende die bestuur van die meent;

(c) 'n voltydse of deeltydse veearts aan, om die werksaamhede soos voorgeskryf by of kragtens die een of ander wet wat op vee betrekking het, te verrig.

(4) Een veldwagter kan vir meerdere stukke grond aangestel word indien die stukke grond sò geleë is dat dit prakties moontlik is vir een veldwagter om behoorlike beheer oor elke stuk grond uit te oefen.

(5) 'n Veldwagter moet die grond waarvoor hy of sy aangestel is gereeld besoek en, behoudens die arbeidswetgewing aangaande verlof, moet gedurende elke week van die jaar vir ten minste 'n volle werksdag op die grond teenwoordig wees.

(6) Die veearts deur die Munisipaliteit aangestel, moet op 'n gereelde grondslag, maar minstens een keer elke drie maande, ten opsigte van die gesondheidstoestand van elke dier op die meent, 'n ondersoek doen, daaroor verslag doen en aanbevelings aan die Meentbestuurder maak.

Weidingspermit word vereis om vee op die meent te laat wei

4. Niemand laat vee op die meent van die Munisipaliteit wei nie, behalwe –

(a) as hy of sy die houer van 'n weidingspermit deur die Munisipaliteit uitgereik is en behoudens die voorwaardes van die permit;

(b) as die dier die aanteelt van 'n vroulike dier is wat kragtens 'n weidingspermit in paragraaf (a) bedoel laat wei word en nie ouer as 6 maande is nie; en

(c) as hy of sy die meentgelde, soos deur die Munisipaliteit bepaal, ten opsigte van die tydperk waarvoor die weidingspermit uitgereik is, betaal het: Met dien verstande dat 'n permithouer gedeeltelik of in geheel ooreenkomstig die Munisipaliteit se behoeftigheidsbeleid van sodanige betaling kwytgeskeld kan word.

Aansoek om- en uitreiking van weidingspermit

5. (1) 'n Aansoek vir die uitreiking van 'n weidingspermit moet –

(a) aan die Munisipale Bestuurder gerig word;

(b) in skrif gedoen word op die vorm deur die Munisipaliteit vir daardie doel voorsien;

(c) genoegsame bewys bevat dat die aansoeker 'n permanente inwoner binne die regsgebied van die Munisipaliteit is; en

(d) sodanige verdere besonderhede as wat die Munisipaliteit mag vereis bevat.

(2) By ontvangs van die aansoek, verwys die Munisipale Bestuurder dit na die Meentbestuurder, wat die besonderhede in die aansoek vervat nagaan en daaromtrent aan die Munisipale Bestuurder verslag doen.

(3) Wanneer die Munisipale Bestuurder die verslag oorweeg, neem hy of sy –

(a) die verslag van die Meentbestuurder;

(b) die beskikbaarheid en toestand van grond in die meent van die Munisipaliteit om die vereiste getal vee waarvoor aansoek gedoen word te akkommodeer;

(c) die maatstawwe vir klasse van voorkeur wat aansoekers moet toeval soos aangedui in 'n kennisgewing deur die Munisipaliteit in die *Provinsiale Koerant*,

in ag.

(4) Na oorweging van die aansoek, moet die Munisipale Bestuurder –

(a) die permit soos voor aansoek gedoen deur die aansoeker uitreik;

(b) 'n permit vir minder vee as waarvoor aansoek gedoen is uitreik; of

(c) die aansoeker skriftelik verwittig dat sy of haar aansoek nie suksesvol was nie en die redes daarvoor verstrek.

(5) Iemand wie se regte geraak word mag teen 'n bevinding van die Munisipale Bestuurder by die Munisipaliteit appelleer en, ten opsigte van sò 'n appèl, geld die bepalings van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), *mutatis mutandis*.

(6) 'n Permit vir weiding van vee op die meent van die Munisipaliteit word uitgereik –

(a) vir 'n tydperk van een jaar of minder en verval op die laaste dag van Junie van elke jaar;

(b) behoudens die voorwaardes in die permit uiteengesit;

(c) onderworpe aan vooruitbetaling van die gelde deur die Munisipaliteit bepaal.

(7) 'n Permit vir weiding van vee op die meent van die Munisipaliteit kan twee keer hernieu word sonder om weer aansoek te doen deur die hernuwingsgelde deur die Munisipaliteit bepaal nie later nie as die laaste dag van Mei van die jaar waarin die permit verval te betaal: Met dien verstande dat die Munisipale Bestuurder kan weier om die permit te hernieu indien hy of sy van oordeel is dat die permit nie hernieu behoort te word nie –

(a) as gevolg van die toestand van die grond waaraan die permithouer se vee toegewys is; of

(b) aangesien daar genoegsame getuienis bestaan dat die omstandighede van die permithouer tot so 'n mate verander het dat die aansoek van 'n nuwe aansoeker ingevolge 'n kennisgewing in subartikel (3)(c) genoem voorrang moet geniet.

(8) 'n Permit vir die weiding van vee op die munisipale meent kan ingetrek word indien die permithouer –

(a) 'n voorwaarde waarkragtens die permit uitgereik is oortree of versuim om daaraan te voldoen;

(b) 'n bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen; of

(c) 'n wettige bevel van die veldwagter in beheer van die grond waarop sy of haar vee wei, of die veearts deur die Munisipaliteit aangestel verontagsaam of versuim om daaraan te voldoen.

(9) 'n Permit om vee op die meent van die Munisipaliteit te laat wei, is nie oordraagbaar nie.

Spesifieke werksaamhede van die Meentbestuurder

6. Die Meentbestuurder moet –

(a) elke stuk grond wat ingevolge artikel 2(1) as meent aangewys is, in kampe wat geskik is vir beweiding deur vee verdeel en aan elk so 'n kamp 'n nommer toeken;

(b) in elke kamp sodanige fasiliteite as wat nodig mag wees vir die onderhoud van vee in daardie kamp voorsien;

(c) behoorlike kaarte van elke stuk grond wat as deel van die meent aangewys is en wat ten minste die grense van kampe, hekke en suipings aantoon optrek of laat optrek;

(d) die vee van elke permithouer aan 'n spesifieke kamp of kampe toewys en die permithouer dienooreenkomstig verwittig;

(e) 'n behoorlike rotasieprogram vir beweiding van grond deur die Munisipaliteit aangewys as meent ontwikkel, implementeer en na gelang van veranderende omstandighede aanpas;

(f) behoorlike rekords, oop vir insae deur enigiemand wat 'n belang daarin het, byhou ten opsigte van –

(i) alle permithouers;

(ii) vervaldatums van alle permitte;

(iii) betalings of vrystelling van betalings van alle permithouers,

en enige ander saak wat, volgens sy of haar oordeel, op rekord geplaas moet word.

Voorskrifte

7. (1) Die Munisipaliteit kan voorskrifte uitvaardig betreffende die beheer, bestuur en gebruik van die munisipale meent, met inbegrip van –

(a) die bou en instandhouding van dipbakke, die gelde betaalbaar in verband met die gebruik daarvan, en die persone wat vir die betaling daarvan aanspreeklik is;

(b) die merk van die vee daarop aangehou;

(c) die verbod op die aanhou van gevaarlike en ongewenste diere daarop, en die omskrywing van sodanige diere;

(d) die voorkoming en behandeling van veesiektes ten opsigte van vee daarop aangehou, en die uitsluiting van vee wat na die oordeel van die veearts deur die Munisipaliteit aangestel, sulke siektes kan versprei;

(e) die vernietiging van karkasse van diere;

(f) die skut van diere wat daarop oortree of sonder 'n permit daarop wei;

(g) die plant, versorging en beskerming, en die vernietiging, afkap of afsny van gras, bome, struike of enige ander plante of gewasse, en die verkoop daarvan;

(h) die brand van gras en die uitroeiing van skadelike onkruid;

(i) die jag van wild daarop op enige manier, met inbegrip van die gebruik van vuurwapens of honde;

(j) die pligte en werksaamhede van veldwagters;

(k) die verbod op die uitsit van gif; en

(l) in die algemeen enige aangeleentheid wat die Munisipaliteit in verband met die beheer, bestuur of gebruik van die gemeenskaplike weiveld, of die bereiking van die oogmerke van hierdie Verordening, nodig of dienstig ag.

(2) 'n Voorskrif ingevolge subartikel (1) uitgevaardig moet in die *Provinsiale Koerant* gepubliseer word.

(3) Indien die Munisipaliteit van mening is dat dit in die openbare belang is kan hy, vir sodanige tydperk en behoudens die voorwaardes wat hy wenslik ag, enige persoon, groep of kategorie persone skriftelik vrystel van voldoening aan 'n voorskrif ingevolge subartikel (1) uitgevaardig.

Strafbepaling

8. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1), is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

9. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

10. Hierdie Verordening heet die Verordening op die Munisipale Meent, 2008

Verordening No. 16, 2008

VERORDENING OP VUURWERKE, 2008

VERORDENING

Om voorsiening te maak vir beheer oor die afvuur van vuurwerke binne die regsgebied van die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**Munisipale Bestuurder**" die persoon aangestel ingevolge artikel 82 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998);

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**ontwikkelde gebied**" dié gedeelte van die regsgebied van die Munisipaliteit wat –

(a) deur werklike opmeting in erwe onderverdeel is;

(b) omring is deur opgemete erwe; of

(c) 'n informele nedersetting is;

"**vuurwerk**" 'n saamgestelde vuurwerk of vervaardigde vuurwerk genoem in Afdeling 1 of 2 van regulasie 1.10 van die regulasies uitgevaardig ingevolge die Wet op Ontplofbare Stowwe, 1956 (Wet No. 26 van 1956), en afgekondig by Goewermentskennisgewing No. R1604 van 8 September 1972, soos gewysig; en

"**vuurwerkvertoning**" die afvuur van 'n aantal vuurwerke vir godsdienstige-, publieke- of private doeleindes.

Afvuur van vuurwerke binne of naby ontwikkelde gebiede gereël

2. Uitgesonderd as deel van 'n vuurwerkvertoning en behoudens hierdie Verordening, mag niemand, binne 'n ontwikkelde gebied of binne 500 meter van sodanige gebied, 'n vuurwerk afvuur nie.

Toestemming om vuurwerkvertoning te hou

3. (1) Niemand mag, sonder die voorafverkreë skriftelike toestemming van die Munisipaliteit, 'n vuurwerkvertoning hou nie.

(2) Enige persoon of groep persone wat begerig is om 'n vuurwerkvertoning te hou, moet skriftelik, op die vorm deur die Munisipaliteit voorsien, minstens 30 dae voor die vertoning gehou gaan word, aansoek doen vir toestemming.

(3) 'n Aansoek in subartikel (2) genoem –

(a) word aan die Munisipale Bestuurder gerig; en

(b) gaan vergesel van die gelde deur die Munisipaliteit bepaal.

(4) Na ontvangs van die aansoek, kan die Munisipale Bestuurder –

(a) (i) die perseel waarop die vuurwerkvertoning gehou gaan word; en

(ii) die geriewe en toerusting wat gedurende die vuurwerkvertoning gebruik gaan word,

inspekteer of laat inspekteer; en

(b) die toestemming skriftelik verleen behoudens die voorwaardes wat hy of sy in belang van die veiligheid en welstand van die gemeenskap nodig ag; of

(c) skriftelik weier om toestemming te verleen en sy of haar redes vir weiering aanstip.

(5) Die Munisipale Bestuurder moet –

(a) wanneer die aansoek oorweeg word, onder andere in ag neem welke nadelige gevolge die vuurwerkvertoning mag hê op –

(i) die veiligheid van inwoners van die buurt en hul eiendom;

(ii) diere in die omgewing;

(iii) die rus en vrede van die buurt; en

(b) indien die aansoek toegestaan word, voorwaardes stel om sodanige nadelige gevolge te voorkom of te remedieer.

Strafbepaling

4. (1) Iemand wat 'n bepaling van hierdie Verordening of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1), is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

5. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

6. Hierdie Verordening heet die Verordening op Vuurwerke, 2008

Verordening No. 17, 2008

REGLEMENT VAN ORDE, 2008

VERORDENING

Om voorsiening te maak vir 'n reglement van orde vir die afhandeling van werksaamhede deur die Raad van die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**begroting**" die beraamde inkomste en uitgawe van die Raad deur die Uitvoerende Komitee opgestel en ingedien ingevolge nasionale wetgewing;

"**Burgemeester**" die persoon wat voorsitter is by 'n Uitvoerende Komitee vergadering soos bedoel in artikel 49 van die Wet;

"**lid**" 'n lid van die Raad of die Uitvoerende Komitee, na gelang van die geval;

"**mosie**" 'n mosie skriftelik ingedien ingevolge artikel 21 of 50;

"**Munisipale Bestuurder**" 'n persoon aangestel ingevolge artikel 82 van die Wet;

"**Munisipaliteit**" die Thembelihle munisipaliteit;

"**Raad**" die Thembelihle Plaaslike Munisipale Raad;

"**Speaker**" die Speaker van die Raad soos bedoel in artikels 36 en 37 van die Wet;

"**Stelsels Wet**" die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);

"**Uitvoerende Komitee**" die komitee in artikel 42 van die Wet bedoel;

"**vergadering**" 'n vergadering van die Raad of die Uitvoerende Komitee, na gelang van die geval;

"**voorsitter van die Uitvoerende Komitee**" die Burgemeester;

"**voorstel**" 'n voorstel, behalwe 'n mosie, voorgestel en gesekondeer gedurende 'n vergadering van die Raad of 'n komitee daarvan; en

"**Wet**" die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998).

Verwydering van persone van die Raadsaal

2. Die Speaker kan, behoudens artikel 160(7) van die Grondwet, te eniger tyd gedurende 'n vergadering, soos wat hy of sy nodig ag, ter wille van die handhawing van orde, gelas dat enigiemand anders as 'n lid van die Raadsaal verwyder word.

Teken van aantekenregister en dra van ampsdrag gedurende vergaderings

3. Elke lid wat 'n vergadering bywoon, moet –

(a) sy of haar naam in die aantekenregister teken; en

(b) ampsdrag dra indien so deur die Raad besluit en die ampsdrag vir die doel voorsien word.

Vergadering in die geval waar daar geen kworum is nie

4. Indien, na verstryking van 15 minute na die tyd waarop 'n vergadering bedoel is om te begin, daar geen kworum teenwoordig is nie, word geen vergadering gehou nie, tensy die lede teenwoordig ooreenkom om 'n verdere tyd van hoogstens 10 minute toe te laat vir 'n kworum om te vergader. Die lede teenwoordig kan na afloop van die voornoemde 10 minute, met 'n meerderheid van stemme, die Munisipale Bestuurder versoek om 'n vergadering op 'n geleë datum en tyd te belê, waarvan kennis soos voorsien in artikel 115 van die Stelsels Wet gegee moet word, en die bepalings van artikel 7 geld *mutatis mutandis* ten opsigte van sodanige vergadering.

Tel van lede

5. Indien die Speaker se aandag gedurende 'n vergadering op die getal lede teenwoordig gevestig word, word die teenwoordige lede getel en, indien daar bevind word dat daar geen kworum is nie, laat die Speaker hierdie feit in die notule opteken en die roepklok vir een minuut lui en indien daar na 'n pouse van 5 minute na die gelui nog nie 'n kworum teenwoordig is nie, kan die lede teenwoordig met 'n meerderheid van stemme besluit om die vergadering te verdaag. Indien so 'n besluit nie geneem word nie en daar na 'n pouse van 10 minute nie 'n kworum teenwoordig is nie, word die vergadering as verdaag geag tot 'n tyd deur die Munisipale Bestuurder bepaal.

Kennisgewing van verdaagde vergadering

6. Wanneer 'n vergadering verdaag word, word 'n kennisgewing van die verdaagde vergadering soos voorsien in artikel 115 van die Stelsels Wet beteken, behalwe waar 'n voorstel wat die datum en tyd van die vergadering vasstel, goedgekeur is deur ten minste drie-kwart van die lede teenwoordig (breuke word verminder na die naaste getal).

Verdaagde vergadering

7. Behoudens artikel 8 word geen werksaamhede op 'n verdaagde vergadering hanteer nie, behalwe die werksaamhede gespesifiseer in die kennisgewing van die verdaagde vergadering.

Besigheid beperk deur kennisgewing

8. Behoudens artikel 50(1) word geen saak wat nie in die kennisgewing van 'n vergadering gespesifiseer is, hanteer op die verdaagde vergadering nie, behalwe 'n dringende verslag van die Uitvoerende Komitee.

Volgorde van werksaamhede in 'n vergadering

9. (1) Die volgorde van werksaamhede van 'n gewone vergadering is soos volg:

(a) Opening;

(b) Aanvaarding van die kennisgewing van die vergadering as gelees;

(c) Aansoeke om verlof tot afwesigheid;

(d) Amptelike kennisgewings –

(i) deur die Speaker;

(ii) deur lede;

(iii) deur die Munisipale Bestuurder;

(e) Onbestrede voorstelle van die Speaker;

(f) Goedkeuring van notule van vorige vergadering;

(g) Vrae waarvan kennis gegee is;

(h) Mosies of voorstelle verwys vanaf vorige vergaderings;

(i) Verslag van die Uitvoerende Komitee;

(j) Nuwe mosies;

(k) Petisies;

(l) Afsluiting.

(2) Na die hantering van werksaamhede genoem in paragrawe (a) tot (f) van subartikel (1), kan die Raad volgens eie diskresie die volgorde van die ander werksaamhede op die agenda verander.

Notule van vergadering

10. (1) Tensy die notule van 'n vergadering op dieselfde vergadering goedgekeur word, word die notule as gelees beskou met die oog op goedkeuring: Met dien verstande dat 'n afskrif van die notule op elke lid beteken word, soos in artikel 115 van die Stelsels Wet voorsien.

(2) Geen mosie, voorstel of bespreking word oor die notule toegelaat nie, behalwe met betrekking tot die akkuraatheid daarvan.

Vrae deur lede

11. (1) 'n Lid kan tydens 'n vergadering 'n vraag stel –

(a) aangaande 'n saak voortvloeiend uit of wat betrekking het op 'n item vervat in 'n verslag van die Uitvoerende Komitee wanneer die item aan die beurt kom of gedurende die bespreking daarvan;

(b) betreffende die algemene werk van die Raad wat nie voortvloeiend uit of betrekking het op 'n item vervat in 'n verslag van die Uitvoerende Komitee nie: Met dien verstande dat sodanige vraag slegs gestel kan word indien ten minste 7 dae vooraf 'n skriftelike kennisgewing by die Munisipale Bestuurder ingedien is, wat onverwyld 'n afskrif van sodanige

kennisgewing aan die Speaker en die voorsitter van die Uitvoerende Komitee voorsien.

(2) 'n Vraag wat, na die mening van die Speaker, van dringende openbare belang is, kan op 'n vergadering gevra word alleen nadat daar in tweevoud skriftelik van kennis gegee is aan die Munisipale Bestuurder, minstens tien minute voor die aanvang van die vergadering en die Munisipale Bestuurder voorsien dadelik 'n afskrif daarvan aan die Speaker en die voorsitter van die Uitvoerende Komitee.

(3) Enige vraag ingevolge hierdie artikel gestel, word deur of namens die voorsitter van die Uitvoerende Komitee beantwoord.

(4) Nadat 'n lid se vraag beantwoord is, kan hy of sy 'n verduideliking daarvan versoek en die volledigheid van die antwoord word nie gedebateer nie, tensy die Speaker toestemming daartoe verleen.

(5) Die Speaker mag 'n vraag weier, indien hy of sy van mening is dat sodanige vraag buite orde of onduidelik gestel is.

Verslagdoening aan die Uitvoerende Komitee

12. (1) 'n Verslag van 'n departementshoof word aan die Munisipale Bestuurder gerig en die Munisipale Bestuurder lê sodanige verslag aan die Uitvoerende Komitee voor.

(2) Die Munisipale Bestuurder kan 'n verslag terugverwys na 'n departementshoof vir feiteregstelling of verduideliking en hy of sy kan, indien hy of sy dit nodig ag, kommentaar daarop lewer en 'n aanbeveling in verband met 'n verslag in subartikel (1) bedoel, maak.

Samestelling van 'n verslag van die Uitvoerende Komitee

13. (1) 'n Verslag deur die Uitvoerende Komitee voorgelê ingevolge die Wet, saamgelees met artikel 160(6)(a) tot (c) van die Grondwet, moet eerstens die sake met betrekking waartoe aanbevelings gemaak word, vervat (hierna die "eerste gedeelte" genoem) en daarna sake wat gedelegeer is na –

(a) die Uitvoerende Komitee; en

(b) komitees soos bedoel in artikel 79 van die Wet.

(2) Behalwe waar 'n item slegs vir kennisname aan die Raad voorgelê word, bevat elke item van die eerste gedeelte 'n aanbeveling wat deur die Raad aanvaar kan word.

Verslag word ingedien

14. 'n Verslag van die Uitvoerende Komitee, behalwe 'n verslag wat deur die Speaker as dringend aanvaar word, word ingedien op die wyse soos in die Wet voorsien.

Voorstel op verslag

15. (1) Die voorsitter van die Uitvoerende Komitee of 'n lid deur hom of haar daartoe versoek, lê 'n verslag van die Uitvoerende Komitee voor en met die voorlegging word voorgestel:

"dat die verslag oorweeg word".

(2) Die voorstel in subartikel (1) bedoel, word nie bespreek nie en indien die Raad die voorstel aanvaar, moet die Speaker die aanbevelings van die eerste gedeelte van die verslag punt vir punt aan die orde stel, behalwe as hy of sy vir 'n goeie rede die volgorde sou verander.

(3) Indien 'n aanbeveling in subartikel (2) bedoel deur die Raad aanvaar word, word dit 'n besluit van die Raad.

(4) Na afloop van die eerste gedeelte van die verslag in subartikel (2) bedoel, moet die Speaker besprekings van die daaropvolgende gedeeltes toelaat: Met dien verstande dat –

(a) sodanige besprekings beperk word tot –

(i) een uur vir sake bedoel in artikel 13(1)(a); en

(ii) 30 minute per gedeelte bedoel in artikel 13(1)(b);

(b) met uitsondering van die voorsitter van die Uitvoerende Komitee, 'n lid nie, behalwe met toestemming van die Raad, vir langer as 10 minute mag praat nie en wanneer 'n lid wel toegelaat word om langer as 10 minute te praat, besluit die Raad oor die tydsduur;

(c) gedurende sodanige bespreking, geen ander voorstel ingedien word nie, behalwe 'n voorstel dat die Uitvoerende Komitee of 'n komitee in artikel 13(1)(b) bedoel, na gelang van die geval, versoek word om sy besluit te heroorweeg;

(d) gedurende sodanige bespreking 'n lid kan versoek dat sy of haar teenstem teen 'n besluit in sodanige daaropvolgende gedeelte en sy of haar redes daarvoor, genotuleer word en die Munisipale Bestuurder notuleer sodanige teenstem.

Aanbevelings van die Uitvoerende Komitee word as voorstelle beskou

16. Dit word geag dat die voorstel van 'n lid ingevolge artikel 15, elke aanbeveling in die verslag voorstel en dat sodanige voorstel gesekondeer is.

Onttrekking of wysiging van aanbeveling

17. Die lid wat 'n voorstel ingevolge artikel 15 gemaak het, kan 'n aanbeveling in die verslag vervat, met toestemming van die Raad onttrek of wysig.

Repliek op debat

18. (1) Die voorsitter van die Uitvoerende Komitee of 'n lid wat 'n voorstel ingevolge artikel 15 maak, moet repliek lewer en die debat sluit op enige item in 'n verslag van die Uitvoerende Komitee, sonder om nuwe sake aanhangig te maak.

(2) Ondanks die bepalings van subartikel(1), kan die Speaker of die lid daarin genoem, 'n verduidelikende verklaring of aankondiging maak voor die oorweging van 'n spesifieke item vervat in die verslag van die Uitvoerende Komitee of gedurende die bespreking van sodanige verslag.

Afvaardiging

19. (1) (a) 'n Afvaardiging wat 'n onderhoud met die Raad verlang, dien 'n memorandum in wat die vertoë wat hulle gaan lewer, uiteensit.

(b) Die Munisipale Bestuurder lê die memorandum aan die Uitvoerende Komitee voor wat die afvaardiging kan ontvang en die sake vervat in die memorandum kan hanteer ingevolge die magte gedelegeer: Met dien verstande dat die Uitvoerende Komitee kan afsien van die nodigheid vir voorlegging van 'n memorandum.

(c) Indien die Uitvoerende Komitee van mening is dat die saak aan die Raad voorgelê behoort te word, doen hy so aan die Raad verslag en indien die Raad dit gelas, word die onderhoud aan die afvaardiging toegestaan.

(2) 'n Afvaardiging bestaan hoogstens uit 3 lede en slegs een lid voer die woord, behalwe in antwoord op 'n vraag van 'n lid. Die saak word nie verder oorweeg alvorens die afvaardiging onttrek het nie.

Petisie

20. 'n Petisie kan deur 'n lid voorgelê word, maar geen toespraak of kommentaar daaroor word deur die lid aan die Raad gelewer nie. Sodanige petisie word na die Uitvoerende Komitee verwys, wat verslag daaromtrent aan die Raad moet lewer.

Vorm van kennisgewing van mosie

21. (1) 'n Kennisgewing van mosie moet in skrif wees en deur die lid wat dit indien, onderteken wees.

(2) 'n Mosie moet by die Munisipale Bestuurder ingedien word, wat dit in 'n boek vir hierdie doel moet inskryf en die boek moet beskikbaar wees ter insae van lede. Die Munisipale Bestuurder voorsien elke lid onverwyld van 'n afskrif van die mosie.

(3) Op die versoek van die lid wat die mosie ingedien het, moet die Munisipale Bestuurder skriftelik ontvangs erken.

(4) Behalwe waar 'n kennisgewing van mosie minstens 10 dae voor 'n vergadering ontvang is, word dit nie gespesifiseer in die kennisgewing van die vergadering nie.

(5) 'n Mosie moet betrekking hê op 'n vraag aangaande die administrasie of toestande in die Munisipaliteit.

(6) Die lid wat 'n mosie indien, kan repliek lewer: Met dien verstande dat indien 'n voorstel met betrekking tot sodanige mosie ingevolge artikel 43(1)(b), (c), (d), (e), (f) of (g) aanvaar word, sodanige lid vir hoogstens 10 minute repliek kan lewer.

Volgorde van mosies

22. Elke mosie word by ontvangs gedateer en genommer en moet deur die Munisipale Bestuurder in die agenda opgeneem word in volgorde van ontvangs, behalwe in die geval van 'n kennisgewing van 'n wysiging wat opgeneem word direk na sodanige

kennisgewing van mosie, ongeag die tyd wanneer die kennisgewing van mosie om te wysig, ontvang is.

Beperking van kennisgewings

23. Geen lid mag meer as een mosie anders as 'n terugverwysde mosie op die agenda plaas nie en geen lid mag meer as ses mosies, insluitende 'n mosie soos bedoel in artikel 50(1), in enige jaar voorstel nie.

Mosie om 'n besluit geneem in die voorafgaande drie maande te herroep

24. (1) Wanneer 'n lid 'n voorstel indien ingevolge artikel 21 wat –

(a) die herroeping of wysiging van 'n besluit van die Raad wat in die voorafgaande drie maande geneem is ten doel het; of

(b) dieselfde doel het as 'n mosie wat verwerp is in die voorafgaande drie maande,

word sodanige mosie slegs op die agenda geplaas indien die kennisgewing van so 'n mosie geteken is deur drie lede addisioneel tot die lid wat die mosie voorgestel het.

(2) 'n Mosie soortgelyk aan die een wat verwerp is ingevolge subartikel (1), word nie weer voorgestel binne 6 maande na sodanige verwerping nie.

(3) Ondanks die bepalings van subartikels (1) en (2), kan die Raad op enige tydstip 'n besluit herroep of wysig na aanleiding van 'n aanbeveling van die Uitvoerende Komitee vervat in 'n verslag ooreenkomstig artikel 15.

Prosedure met betrekking to die behandeling van mosies

25. (1) Wanneer mosies bespreek word, lees die Speaker die nommer van elke mosie en die naam van die voorsteller uit en stel vas watter mosies onbestrede is.

(2) 'n Onbestrede mosie word onmiddellik, sonder bespreking, deurgevoer.

(3) Indien daar 'n bestrede mosie is, moet die Speaker vir 'n sekondant vra en hy of sy stel daarna elke gesekondeerde mosie aan die orde.

(4) 'n Lid wat 'n mosie sekondeer, kan vervolgens oor sodanige mosie praat, behalwe waar 'n voorstel ingevolge artikel 43(1)(b), (c), (d), (e), (f) of (g) met betrekking tot sodanige mosie gemaak en deurgevoer is voordat die sekondant aan die woord gekom het.

(5) 'n Mosie wat nie deur die voorsteller daarvan gestel word nie of wat nie gesekondeer word nie, verval.

Onreëlmatige mosies of voorstelle

26. Die Speaker weier 'n mosie of voorstel –

(a) wat volgens sy of haar mening –

(i) kan lei tot die bespreking van 'n saak wat reeds op die agenda is of wat nie betrekking het op 'n vraag in verband met die administrasie of toestande in die Munisipaliteit nie; of

(ii) wat 'n saak uitmaak vir, 'n opinie weergee of wat onnodige feitlike, inkriminerende, afbrekende of onbehoorlike aantuigings bevat;

(b) met betrekking tot –

(i) sake waaroor die Raad geen jurisduksie het nie; of

(ii) 'n besluit deur 'n geregtelike of *quasi*-geregtelike liggaam hangende is; of

(c) wat, indien dit deurgevoer word, teenstrydig met die bepalings in hierdie Reglement van Orde of 'n ander wet sal wees of wat nie afdwingbaar sal wees nie.

Sake dien voor die Raad by wyse van voorstel

27. (1) Behoudens die bepalings van artikels 15(2) en 16, word 'n saak nie geag voor die Raad vir 'n besluit te dien nie, behalwe waar 'n voorstel oor sodanige saak behoorlik gemaak en gesekondeer is.

(2) Die bepalings van artikel 25(4) geld *mutatis mutandis* vir 'n lid wat 'n voorstel sekondeer.

Bepalings met betrekking tot die oorweging van die begroting

28. Ondanks andersluidende bepalings hierin vervat, geld die volgende bepalings wanneer die Raad die begroting oorweeg:

(a) 'n Voorstel wat tot gevolg sal hê dat geraamde inkomste of uitgawe van die Raad, vermeerder of verminder, word nie ingedien alvorens die debat oor die begroting afgesluit is nie.

(b) Nadat die debat oor die begroting afgesluit is, stel die Speaker elke voorstel soos bedoel in paragraaf (a) in volgorde.

(c) Indien sodanige voorstel aanvaar word, word die begroting nie ooreenkomstig die besluit as gewysig beskou nie en die vergadering word uitgestel tot 'n datum en tyd deur die Speaker bepaal, behalwe waar die voorsitter van die Uitvoerende Komitee, of 'n lid van die komitee deur hom of haar gemagtig, beslis dat sodanige uitstel onnodig is.

(d) Indien ingevolge paragraaf (c) besluit word dat 'n uitstel van die vergadering onnodig is, word die begroting as gewysig beskou ooreenkomstig 'n besluit in daardie paragraaf bedoel.

(e) Na 'n uitstel in paragraaf (c) bedoel, ondersoek die Uitvoerende Komitee die implikasie van ieder sodanige besluit en doen verslag daaroor aan die Raad by die hervatting van die vergadering.

(f) Nadat die Uitvoerende Komitee verslag gedoen het ingevolge paragraaf (e), moet die Speaker –

(i) 'n debat daaroor toelaat;

(ii) daarna weer elke voorstel in paragraaf (c) bedoel, stel en indien sodanige voorstel aanvaar word, word die begroting ingevolge daardie besluit gewysig.

Verwysing van voorstel wat die begroting raak na Uitvoerende Komitee

29. 'n Mosie of voorstel, anders as 'n voorstel in artikel 16 bedoel wat die gevolg sal hê dat die goedgekeurde begroting vermeerder of verminder, word nie aanvaar alvorens die Uitvoerende Komitee daaroor verslag gedoen het nie.

Verwysing van voorstel of mosie na Uitvoerende Komitee betreffende aangeleenthede in artikel 30(5) van die Wet bedoel

30. 'n Mosie of voorstel, anders dan 'n aanbeveling van die Uitvoerende Komitee, wat 'n aangeleentheid in artikel 30(5) van die Wet bedoel raak, moet voordat die Raad 'n besluit daaroor aanvaar, na die Uitvoerende Komitee verwys word om daaroor verslag te doen en 'n aanbeveling te maak.

Onttrekking of wysiging van mosie of voorstel

31. (1) 'n Voorsteller kan, met die toestemming van die Raad, 'n voorstel of mosie onttrek en slegs die voorsteller word toegelaat om die versoek tot sodanige toestemming te verduidelik.

(2) Nadat toestemming vir onttrekking op voornoemde wyse versoek is, word geen verdere bespreking oor sodanige mosie of voorstel toegelaat nie en die toestemming soos versoek, word sonder verdere bespreking verleen of geweier.

Toespreek van die vergadering

32. 'n Lid kan sit terwyl hy of sy praat en spreek die Speaker aan.

Voorrang van Speaker

33. Wanneer die Speaker praat, moet enige lid wat besig is om te praat of aangedui het dat hy of sy wil praat, sy of haar sitplek inneem indien hy of sy staan en die lede moet 'n stilte handhaaf sodat die Speaker sonder onderbreking aangehoor kan word.

Lengte van toesprake

34. (1) Behoudens artikels 15 en 43, kan 'n lid vir hoogstens 10 minute praat: Met dien verstande dat –

(a) 'n Lid wat 'n mosie indien, vir hoogstens 15 minute kan praat om sy of haar mosie toe te lig; en

(b) die Raad toestemming kan verleen dat 'n verdere 5 minute vir sodanige toespraak toegelaat word.

(2) Die Raad kan afstand doen van die bepalings van subartikel (1) met betrekking tot 'n verklaring wat met toestemming van die Raad deur die voorsitter of enige ander lid van die Uitvoerende Komitee in verband met 'n saak voortvloeiend uit 'n verslag gemaak word.

(3) 'n Lid wat aan 'n debat deelneem, kan gedurende sy of haar toespraak van notas gebruik maak, maar geen lid word toegelaat om sy of haar toespraak af te lees

nie. Die Speaker kan 'n lid wat sy of haar toespraak aflees, versoek om die toespraak onmiddellik te beëindig.

(4) Die bepalings van hierdie artikel is nie van toepassing op –

(a) die voorsitter van die Uitvoerende Komitee wanneer hy of sy die begroting voordra en die debat daaroor open nie;

(b) die voorsitter van die Uitvoerende Komitee wanneer hy of sy of enige ander lid van die komitee deur hom of haar gemagtig om die begrotingsrede te lewer, of repliek te lewer op die debat betreffende die oorweging van die begroting nie;

(c) die voorsitter van die Uitvoerende Komitee wanneer hy of sy die debat betreffende oorweging van die begroting afsluit nie; en

(d) die persoon wat ingevolge artikel 18(1) repliek lewer en die debat afsluit soos bedoel in genoemde artikel.

Relevansie

35. (1) 'n Lid wat praat, moet sy of haar toespraak streng rig op die saak onder bespreking of op 'n verduideliking of op 'n punt van orde.

(2) Die Speaker laat nie 'n bespreking toe –

(a) wat 'n saak op die agenda voortuitloop nie; of

(b) oor 'n saak ten opsigte waarvan 'n besluit deur 'n geregtelike- of *quasi*-geregtelike liggaam hangende is nie.

Irrelevansie, herhaling en versteuring van orde

36. (1) Indien die Speaker van mening is dat 'n lid –

(a) nie voldoen aan die bepalings van artikel 35(1) nie of skuldig is aan irrelevansie of langdradige herhaling tydens sy of haar toespraak, kan die Speaker hom of haar gelas om aan genoemde bepalings te voldoen of om die irrelevansie of langdradige herhaling te staak;

(b) poog om 'n bespreking teenstrydig met artikel 35(2) te voer, moet die Speaker hom of haar gelas om die bespreking te staak;

(c) terwyl hy of sy in die Raadsaal teenwoordig is, ongeag of hy of sy die Raad toespreek –

(i) onbehoorlike of aanstootlike taal besig;

(ii) 'n inkriminerende, lasterlike of afbrekende opmerking, beskuldiging of insinuasie ten opsigte van 'n ander lid of persoon maak;

(iii) die orde versteur of die gesag van die Speaker verontagsaam; of

(iv) onbehoorlik geklee is,

gelas die Speaker die lid om onmiddellik sodanige gedrag te staak of reg te stel.

(2) Indien 'n lid nie gehoor gee aan 'n lasgewing in subartikel (1) bedoel nie, kan die Speaker –

(a) in 'n geval in subartikel 1(a) of (b) bedoel, gelas dat die betrokke lid sy of haar toespraak staak; of

(b) in 'n geval in subartikel 1(c) bedoel, gelas dat die betrokke lid vir die verdere duur van die vergadering onttrek.

Die Speaker kan 'n lid laat verwyder

37. (1) Indien 'n lid weier om 'n lasgewing ingevolge artikel 36(2)(a) of (b) na te kom, kan die Speaker 'n beampte aansê om sodanige lid te verwyder en om stappe te neem om te voorkom dat sodanige lid na die vergadering terugkeer.

(2) Artikel 36(1)(c), 36(2) en subartikel (1) is *mutatis mutandis* van toepassing op 'n lid van die publiek.

Uitsluiting van lede

38. (1) 'n Lid wat opsetlik die gesag van die Speaker verontagsaam of opsetlik die orde by 'n vergadering versteur, kan deur die Raad uitgesluit word van Raadsvergaderings vir 'n tydperk van hoogstens 45 dae soos deur die Raad bepaal: Met dien verstande dat die betrokke lid binne 7 dae vanaf die vergadering waar daar op sy of haar uitsluiting besluit is, 'n skriftelike appèl aan die Burgemeester kan rig, wat op sy of haar beurt 'n spesiale Raadsvergadering moet belê om die appèl te oorweeg binne 7 dae vanaf datum waarop die appèl ontvang is.

(2) Die Raad kan op voornoemde spesiale vergadering die oorspronklike Raadsbesluit bevestig, verwerp of wysig.

(3) By oorweging van die appèl, moet die Raad die reëls van natuurlike geregtigheid toepas.

(4) 'n Voorstel vir die uitsluiting van 'n lid kan op enige stadium van 'n vergadering ingedien word.

Lid mag slegs een keer praat

39. (1) Behoudens andersluidende bepalings of die voorafverkreë goedkeuring van die Speaker, kan 'n lid hoogstens een keer oor enige mosie of voorstel praat en die Speaker se besluit om aan sodanige lid toestemming te verleen om te praat of te weier is finaal en is nie vir bespreking oop nie.

(2) Die bepalings van subartikel (1) is nie van toepassing op 'n lid van die Uitvoerende Komitee wanneer die Raad die begroting oorweeg nie.

'n Punt van orde en persoonlike verduideliking

40. (1) 'n Lid kan 'n punt van orde stel of 'n verduideliking gee, maar sodanige verduideliking word beperk tot die wesenlike inhoud van sy of haar vorige toespraak.

(2) Sodanige lid word versoek om onmiddellik te praat.

Beslissing van die Speaker oor 'n orde reëling

41. Die beslissing van die Speaker oor 'n punt van orde of oor die toelaatbaarheid van 'n verduideliking is finaal en is nie oop vir bespreking nie.

Hoe gestem word

42. (1) 'n Bestrede mosie of voorstel word aan die Raad gestel deur die Speaker, wat die lede versoek om by wyse van opsteek van hande (tensy die Raad anders besluit) aan te dui of hulle vir of teen sodanige mosie stem of buite stemming bly, waarna die Speaker die uitslag van die stemming aankondig.

(2) Nadat die Speaker die uitslag van stemme ingevolge subartikel (1) aangekondig het, kan 'n lid versoek dat –

(a) sy of haar stem teen die besluit genotuleer word; of

(b) 'n hoofdelike stemming gehou word deur op te staan en so 'n eis aan die Speaker te stel.

(3) Wanneer 'n hoofdelike stemming behoorlik ingevolge subartikel (2)(b) versoek is, moet die Speaker daartoe toestem; die verdelingsklok word vir minstens een minuut gelui, waarna alle ingange tot die Raadsaal toegemaak word en geen lid die Raadsaal mag verlaat of binnekom, alvorens die uitslag van die verdeling bekend gemaak is nie.

(4) Na die verstryking van die tydsduur in subartikel (3) vermeld, bring die Speaker weer die mosie of voorstel tot stemming soos in subartikel (5) bepaal word en maak daarna die uitslag van die hoofdelike stemming bekend.

(5) 'n Hoofdelike stemming vind soos volg plaas: Die Munisipale Bestuurder lees die naam van elke lid afsonderlik in alfabetiese volgorde uit. Elke lid moet by wyse van 'n hoorbare "vir" of "teen" of "buite stemming" aandui of hy of sy ten gunste of teen die voorstel stem of buite stemming bly en die Munisipale Bestuurder notuleer die stem van elke lid asook die name van elke afwesige lid.

(6) Wanneer 'n hoofdelike stemming ooreenkomstig die voorafgaande bepalings plaasvind, is elke aanwesige lid, met inbegrip van die Speaker, verplig om sy of haar stem ten gunste of teen die mosie of voorstel uit te bring of aan te dui dat hy of sy buite stemming bly.

(7) 'n Lid wat 'n hoofdelike stemming aanvra, verlaat nie die Raadsaal alvorens sodanige stemming afgehandel is nie.

(8) Indien daar 'n staking van stemme is ten opsigte van 'n voorstel waaroor daar ooreenkomstig die bepalings van subartikel (1) of (4) gestem is, moet die Speaker, ooreenkomstig die bepalings van artikel 30(4) van die Wet, 'n beslissende stem uitbring.

Voorstelle wat gemaak kan word

43. (1) Wanneer 'n mosie of voorstel by 'n vergadering bespreek word, kan geen ander voorstel ingedien word nie, behalwe 'n voorstel –

(a) dat die mosie of voorstel gewysig word;

(b) dat die oorweging van die saak uitgestel word;

(c) dat die vergadering verdaag word;

(d) dat die debat verdaag word;

(e) dat die vraag gestel word;

(f) dat die Raad na die volgende saak oorgaan;

(g) dat die vraag terugverwys word vir verdere oorweging;

(h) dat, om die saak te hanteer, die Raad in komitee sal gaan ingevolge artikel 54; of

(i) dat die oorweging van die saak oorstaan totdat die Raad al die sake op die agenda afgehandel het:

Met dien verstande dat die voorstelle in paragrawe (b) tot (g) vermeld, nie ingedien word voordat die voorsteller van die mosie of voorstel onder bespreking daaroor gepraat het nie: Met dien verstande voorts dat 'n tweede voorstel ingevolge paragrawe (b) tot (f) nie binne'n halfuur na 'n dergelike voorstel oor dieselfde saak ingedien kan word nie, tensy die omstandighede na die mening van die Speaker ingrypend verander het.

(2) 'n Lid wat nie aan die debat oor die betrokke mosie of voorstel deelgeneem het nie, kan gedurende daardie debat aan die einde van enige toespraak, voorstel dat –

(a) oorweging van die vraag uitgestel word tot 'n vasgestelde datum; of

(b) die vergadering nou verdaag: Met dien verstande dat die vergadering nie verdaag alvorens die debat oor die mosie of voorstel verdaag het nie; of

(c) die debat verdaag word.

(3) 'n Lid wat 'n voorstel ingevolge subartikel (2) ingedien het, kan hoogstens 5 minute daaroor praat, maar die sekondant word nie toegelaat om daaroor te praat nie.

(4) 'n Lid wat 'n voorstel ingevolge subartikel (2) ingedien het, kan tydens die debat oor sodanige voorstel vir hoogstens 5 minute daaroor praat en daarna word die voorstel sonder enige verdere debat gestel.

Oorweging van saak wat oorgehou gaan word

44. 'n Lid wat 'n voorstel ingevolge subartikel 43(1)(i) maak, kan hoogstens 3 minute daaroor praat, maar die sekondant kan glad nie daaroor praat nie en daarna word oor die voorstel gestem sonder enige verdere debat.

Wysiging van 'n mosie of voorstel

45. (1) 'n Wysiging wat voorgestel word moet betrekking hê op die mosie of voorstel ten opsigte waarvan dit voorgestel word.

(2) 'n Wysiging wat voorgestel word, moet op skrif gestel, deur die voorsteller onderteken en aan die Speaker oorhandig word.

(3) 'n Wysiging wat voorgestel word, moet duidelik deur die Speaker aan die vergadering gestel word, voordat daaroor gestem word.

(4) (a) Waar 'n wysiging voorgestel en gesekondeer is, word geen verdere wysigings voorgestel nie, alvorens 'n besluit aanvaar is waarop 'n verdere wysiging voorgestel kan word.

(b) Indien die wysiging aanvaar word, neem die gewysigde mosie of voorstel die plek van die oorspronklike mosie of voorstel in en word dit die substantiewe mosie of voorstel waarop 'n wysiging voorgestel kan word.

(5) 'n Lid kan slegs een wysiging op 'n mosie of voorstel indien.

(6) Die voorsteller van 'n wysiging op 'n voorstel of mosie het geen reg tot repliek nie.

Uitstel van oorweging van vraag

46. Wanneer 'n mosie aanvaar is dat 'n vraag uitgestel word na 'n vasgestelde datum, word die mosie of voorstel eerste onder die mosies of voorstelle vervat in die veslag van daardie komitee aan die Raad op die vasgestelde datum geplaas.

Verdaging van vergadering

47. Geen lid stel by enige vergadering meer as een keer voor of sekondeer dat die vergadering moet verdaag nie.

Verdaging van debat

48. (1) Indien 'n voorstel aanvaar word dat die debat verdaag word, hanteer die Raad die volgende saak wat op die agenda verskyn en word die saak ten opsigte waarvan die debat verdaag is, eerste geplaas op die lys van mosies of voorstelle van die volgende vergadering en die bespreking daarvan word by daardie vergadering hervat.

(2) Wanneer 'n debat wat verdaag is, hervat word, is die lid wat voorgestel het dat dit verdaag word, geregtig om eerste te praat.

(3) Geen lid maak meer as een voorstel ter verdaging van dieselfde debat of sekondeer meer as een sodanige voorstel nie.

Stel van die vraag

49. (1) Behoudens die bepalings van artikel 43(1) kan 'n lid wat nie aan die debat oor 'n mosie of voorstel deelgeneem het nie, aan die einde van 'n toespraak gedurende die debat, voorstel dat die vraag gestel word.

(2) Behoudens die bepalings van subartikel (3) is 'n voorstel ingevolge subartikel (1) gemaak, nie vir bespreking oop nie.

(3) Die voorsteller van 'n vraag onder bespreking kan, wanneer 'n voorstel ingevolge subartikel (1) gemaak is, vir hoogstens 5 minute oor sodanige voorstel praat en vervolgens word die voorstel sonder enige verdere debat gestel.

Die Raad gaan oor na volgende saak

50. (1) Behoudens die bepalings van artikel 43(1) kan 'n lid wat nie aan 'n debat oor 'n mosie of voorstel deelgeneem het nie, aan die einde van 'n toespraak voorstel dat die Raad oorgaan na die volgende saak.

(2) Behoudens die bepalings van subartikel (3) is 'n voorstel ingevolge subartikel (1) gemaak nie vir bespreking oop nie.

(3) Die voorsteller van 'n vraag onder bespreking kan, wanneer 'n voorstel ingevolge subartikel (1) gemaak is, vir hoogstens 5 minute oor sodanige voorstel praat en daarna word die voorstel sonder enige verdere bespreking gestel.

(4) Indien 'n voorstel ingevolge subartikel (1) aanvaar word, verval die vraag onder bespreking.

Terugverwysing van 'n vraag vir verdere oorweging

51. (1) Wanneer 'n aanbeveling van die Uitvoerende Komitee voor die Raad dien, kan 'n lid voorstel dat die vraag vir verdere oorweging na die Uitvoerende Komitee terugverwys word.

(2) Die voorsteller van sodanige vraag het geen reg tot repliek nie.

(3) So 'n voorstel word nie gestel alvorens aan die bepalings van artikel 18 voldoen is nie.

(4) Wanneer sodanige voorstel aanvaar word, sluit die debat oor die aanbeveling en gaan die Raad oor na die volgende saak.

Opskorting van artikel 8

52. (1) Ondanks andersluidende bepalings van hierdie Reglement van Orde, maar behoudens die bepalings van hierdie artikel, kan 'n lid in'n gewone vergadering of met die verdaging daarvan, voorstel dat die bepalings van artikel 8 opgeskort word om hom of haar in staat te stel om 'n voorstel in te dien, waarvan kennis nie ingevolge artikel 21gegee kon word nie weens die dringendheid van sodanige voorstel.

(2) Die voorstel en mosie genoem in subartikel (1) moet op skrif gestel word, deur die voorsteller en ten minste een sekondant onderteken word en aan die Speaker minstens 10 minute voor die aanvang van die vergadering waarop sodanige voorstel of mosie bedoel is om te dien, oorhandig word, tensy die Speaker 'n korter tydsduur toelaat.

(3) Beide word deur die Speaker afgewys, indien hy of sy sodanige mosie ingevolge artikel 26 kon afwys.

(4) Onmiddellik voordat die verslag van die Uitvoerende Komitee ingevolge artikel 15 voorgelê word, maak die Speaker bekend dat 'n voorstel en mosie ingevolge subartikel (1), indien enige, aan hom of haar oorhandig is en of hy of sy dit

toegelaat of afgewys het en indien sodanige voorstel en mosie wel toegelaat is, hulle voor of na die afhandeling van die verslag van die Uitvoerende Komitee sal dien.

(5) Indien die Speaker die voorstel en mosie toelaat ingevolge subartikel (4), moet die betrokke lid, wanneer die Speaker so aandui, die mosie aflees en nadat hy of sy vir hoogstens 5 minute oor slegs die rede van die dringendheid van die oorweging van die mosie gepraat het, wat die aflees van die mosie insluit, kan hy of sy voorstel dat die bepalings van artikel 8 opgeskort word.

(6) Die sekondant van die voorstel en mosie ingevolge subartikel (1) kry nie 'n spreekbeurt daaroor nie, behalwe om dit formeel te sekondeer.

(7) Die voorstel tot opskorting word geag aanvaar te wees, indien die lede wat daarvoor stem 'n meederheid van al die lede van die Raad uitmaak.

(8) Indien die voorstel tot opskorting aanvaar word, word die mosie geag behoorlik gestel te wees en daarna kan die bespreking daarvan voortgaan ooreenkomstig die bepalings van hierdie Reglement van Orde.

Vertolking van Reglement van Orde

53. (1) (a) 'n Lid kan versoek dat die Speaker se beslissing oor die vertolking van die Reglementvan Orde in die notule aangeteken word en die Munisipale Bestuurder hou 'n register van sodanige beslissings by.

(b) Die Speaker onderteken die inskrywing in die register van elke beslissing wat hy of sy gegee het.

(2) 'n Lid wat 'n versoek ingevolge subartikel (1) gerig het, kan mondelings gedurende daardie vergadering of skriftelik binne 5 dae daarna, eis dat die Munisipale Bestuurder die saak aan die Uitvoerende Komitee voorlê, en in sodanige geval oorweeg die Uitvoerende Komitee die beslissing en doen daaroor aan die Raad verslag.

Bespreking van sake in komitee

54. (1) Wanneer 'n lid voorstel dat die Raad in komitee gaan om 'n saak op die agenda te oorweeg, insluitend 'n voorstel ingevolge artikel 52(1), kan hy of sy vir hoogstens 3 minute oor sodanige voorstel praat, maar die sekondant praat nie daaroor nie.

(2) Nadat 'n voorstel in subartikel (1) bedoel aanvaar is, kan die Speaker na oorweging, indien dit redelik en nodig blyk te wees om die regte van die persoon of onderwerp onder bespreking te beskerm, die pers, die publiek en enige ander persoon wie se teenwoordigheid volgens sy of haar mening nie gedurende die bespreking vereis word nie, gelas om die Raadsaal te verlaat en nadat hy of sy tevrede is dat die instruksie uitgevoer is, stel hy of sy die betrokke saak weer aan die orde.

(3) 'n Bespreking van 'n saak in komitee skort geen ander bepaling van hierdie Reglement van Orde op nie.

(4) Die Speaker moet, indien daar nadat die Raad die sake in komitee afgehandel het nog ander sake op die agenda verskyn, weer die pers, die publiek en ander persone toelaat om die Raadsaal binne te gaan.

(5) 'n Besluit van die Raad om in komitee te gaan word met deeglike inagneming van artikel 160(7) van die Grondwet geneem.

Kworum van die Raad of die Raad as komitee

55. Die kworum van die Raad en die Raad as komitee is die meerderheid van al die lede van die Raad.

Bedanking van setel op komitee

56. 'n Lid van 'n komitee wat van die komitee wil bedank, rig sy of haar bedanking skriftelik aan die Munisipale Bestuurder waarna dit nie weer teruggetrek kan word nie.

Vul van vakature in 'n komitee

57. Die Uitvoerende Komitee moet aan die Raad kennis gee dat daar 'n vakature op 'n komitee ontstaan het, uitgesonderd 'n vakature op die Uitvoerende Komitee, nie later nie as die tweede vergadering na die vergadering van die komitee waarop die vakature bekend geword het en die Raad kan die vakature vul.

Vul van 'n vakature in 'n komitee gedurende die afwesigheid van 'n lid

58. Wanneer 'n lid, uitgesonderd 'n lid van die Uitvoerende Komitee verlof tot afwesigheid van 'n vergadering van 'n komitee verkry het, kan die Raad 'n ander lid aanwys om waar te neem gedurende sy of haar afwesigheid op enige komitee waarop die afwesige lid dien.

Datums en tye van vergaderings van die Uitvoerende Komitee

59. (1) Die voorsitter van die Uitvoerende Komitee bepaal die datums, tye en plekke van vergaderings.

(2) Geen vergadering van die Uitvoerende Komitee word gehou gedurende 'n Raadsvergadering, sonder die Raad se toestemming nie.

Kennisgewing van vergadering van die Uitvoerende Komitee

60. (1) Die Munisipale Bestuurder reik 'n kennisgewing uit waarin 'n vergadering van die Uitvoerende Komitee belê en die werksaamhede wat deur die komitee oorweeg moet word aangedui word.

(2) Die kennisgewing word by elke lid van daardie komitee afgelewer of dit word gelaat by sy of haar besigheids- of residensiële adres minstens 24 uur voor die aanvang van 'n gewone vergadering, maar indien die kennisgewing per toeval nie so afgelewer of gelaat is nie, word die geldigheid van die vergadering nie daardeur geraak nie.

(3) 'n Kennisgewing van 'n spesiale vergadering van die Uitvoerende Komitee, wat deur die Speaker ingevolge wetgewing byeengeroep word, moet skriftelik gedoen word op gesag van die Munisipale Bestuurder.

(4) Indien die Uitvoerende Komitee nie daarin kon slaag om twee keer in 'n maand waarin 'n gewone vergadering van die Raad gehou word te vergader nie, moet die Munisipale Bestuurder die omstandighede aan die Raad by die volgende vergadering rapporteer.

Bywoningsregister vir vergaderings van die Uitvoerende Komitee

61. (1) Die Munisipale Bestuurder hou 'n bywoningsregister waarin elke lid van die Uitvoerende Komitee wat 'n vergadering van die komitee bywoon, sy of haar naam teken.

(2) 'n Lid wat nie 'n lid van die Uitvoerende Komitee is nie, wat 'n vergadering van die komitee bywoon, skryf sy of haar naam in die bywoningsregister en moet agter sy of haar naam die woorde "nie lid" skryf.

Deelname aan besprekings op 'n vergadering van die Uitvoerende Komitee

62. Iemand wat versoek word of toegelaat word deur die Uitvoerende Komitee om 'n vergadering van die komitee by te woon, kan met die toestemming van die voorsitter van die Uitvoerende Komitee die vergadering toespreek.

Geen kworum by vergadering van die Uitvoerende Komitee

63. Indien daar na verstryking van 10 minute na die aanvangstyd van 'n vergadering van die Uitvoerende Komitee nog geen kworum is nie, word die vergadering gehou op 'n datum en tyd deur die Munisipale Bestuurder bepaal.

Wyse van stemming by vergaderings van die Uitvoerende Komitee

64. Die voorsitter van die Uitvoerende Komitee laat die lede van die Uitvoerende Komitee by wyse van opsteek van hande stem en 'n lid van daardie komitee wat daar teenwoordig is en stem kan versoek dat 'n hoofdelike stemming gehou word, in welke geval die bepalings van artikel 42(5), (6) en (7) *mutatis mutandis* geld: Met dien verstande dat geen bepaling hiervan die reg van 'n lid om sy of haar teenstem te laat notuleer sal beïnvloed nie.

Goedkeuring van notule van vergadering van Uitvoerende Komitee

65. (1) By 'n gewone vergadering van die Uitvoerende Komitee, nadat aansoeke vir verlof tot afwesigheid oorweeg is, word die notule van 'n vergadering van die komitee wat nog nie bekragtig is nie gelees, goedgekeur met of sonder wysigings en deur die voorsitter van die Uitvoerende Komitee onderteken.

(2) Die notule genoem in subartikel (1), kan as gelees beskou word indien dit beskikbaar was vir ondersoek deur die lede van die komitee minstens een uur voor die aanvang van die vergadering: Met dien verstande dat die notule gelees moet word indien 'n lid dit so versoek, tensy die komitee die oorweging uitstel na die volgende vergadering: Met dien verstande voorts dat indien die notule uitgestuur is op 'n wyse soos in artikel 115 van die Stelsels Wet voorsien, 'n lid nie kan aandring dat die notule gelees moet word, tensy die meerderheid van die lede teenwoordig dit so besluit nie.

Notule kan teruggehou word weens werksdruk

66. Die notule van 'n vergadering van die Uitvoerende Komitee kan weens werksdruk of 'n ander toepaslike rede teruggehou word vir goedkeuring op 'n latere vergadering.

Bespreking van notule van vergadering van Uitvoerende Komitee

67. Geen voorstel of bespreking oor die notule word toegelaat nie, behalwe oor die akkuraatheid daarvan.

Verslae mag aan die pers verskaf word

68. Die Munisipale Bestuurder kan, op aansoek deur 'n geregistreerde nuusblad, die agenda van die Raad aan 'n verteenwoordiger van sodanige nuusblad voor die aanvang van die vergadering verskaf: Met dien verstande dat die Uitvoerende Komitee of die Burgemeester hom of haar kan aansê om nie die besondere agenda of item op die agenda te voorsien nie of om die agenda te weerhou tot na afloop van die betrokke vergadering.

Uitsluiting van lede wat dokumente openbaar

69. (1) 'n Lid wat ten opsigte van 'n saak genoem in artikel 10 van die Gedragskode vir Raadslede, aangeheg as Bylae 1 tot die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), 'n dokument of rekord van die Raad, of van die verrigtinge van ' n komitee van die Raad, of van die Raad in komitee publiseer of dit bekend maak of toelaat dat dit gepubliseer of bekend gemaak word, is skuldig aan oortreding van hierdie subartikel.

(2) Die Raad kan 'n lid wat skuldig is aan oortreding van subartikel (1), uitsluit vir 'n tydperk van hoogstens 45 dae soos deur die Raad bepaal: Met dien verstande dat die appèlprosedures soos bedoel in artikel 38 *mutatis mutandis* geld vir hierdie artikel.

(3) Indien 'n lid 'n vergadering bywoon ondanks 'n besluit ingevolge subartikel (2), kan die Speaker 'n beampte opdrag gee om die lid te verwyder en om die nodige stappe te neem om te voorkom dat die lid na die vergadering terugkeer.

Verslag van bywoning van vergaderings

70. (1) Die Munisipale Bestuurder stel jaarliks 'n verslag op oor die aantal Raadsvergaderings gehou en die bywoning daarvan deur elke lid en die aantal vergaderings gehou deur die Uitvoerende Komitee en die bywoning van elke lid van sodanige komitee.

(2) Die Munisipale Bestuurder sluit die verslag by die agenda van die gewone vergadering wat in Januarie van elke jaar gehou word in.

Sekretariaat

71. (1) Die Munisipale Bestuurder is verantwoordelik vir die doeltreffende funksionering van die aktiwiteite van die Raad en sy komitees.

(2) Die Munisipale Bestuurder kan 'n aantal beamptes in die voltydse diens van die Munisipaliteit aanwys om as 'n sekretariaat vir die Raad op te tree.

(3) Die Munisipale Bestuurder kan aan 'n lid van die sekretariaat 'n werksaamheid soos die hou van notules of die verspreiding van dokumente opdra, maar bly teenoor die Raad verantwoordelik vir die doeltreffende verrigting van 'n werksaamheid aan hom of haar by of kragtens hierdie Reglement van Orde toevertrou.

Herroeping van wette en voorbehoude

72. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

73. Hierdie Verordening heet die Reglement van Orde, 2008

Verordening No. 18, 2008

VERORDENING OP ANTENNESTELSELS, 2008

VERORDENING

Om voorsiening te maak vir beheer oor die oprigting van antennestelsels in die Thembelihle munisipaliteit; en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Thembelihle munisipaliteit, soos volg:-

Woordomskrywing

1. In hierdie Verordening, tensy uit die samehang anders blyk, beteken –

"**antennestelsel**" 'n toestel wat gebruik word of ontwerp is om radio- of televisieuitsendings of –ontvangs te verbeter en ook 'n skottelantenne;

"**gebou**" ook –

(a) enige ander struktuur, hetsy tydelik of permanent van aard en ongeag die materiale wat by die oprigting daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met -

(i) die huisvesting of gerief van mense of diere;

(ii) die vervaardiging, verwerking, opberging, uitstalling of verkoop van enige goed;

(iii) die lewering van enige diens;

(iv) die vernietiging of behandeling van vullis of afvalstowwe;

(v) die kweek van enige plant of gewas;

(b) 'n muur, swembad, swempoel, reservoir of brug of 'n ander struktuur wat daarmee in verband staan;

(c) 'n brandstofpomp of 'n tenk wat in verband daarmee gebruik word;

(d) enige gedeelte van 'n gebou, met inbegrip van 'n gebou soos omskryf in paragraaf (a), (b) of (c);

(e) enige fasiliteite of stelsel, of gedeelte of deel daarvan, binne of buite maar gepaardgaande met 'n gebou, vir die verskaffing van 'n watervoorsienings-, dreinerings-, riool-, stormwaterafvoer-, elektrisiteitsvoorsienings- of ander soortgelyke diens ten opsigte van die gebou;

"**Munisipaliteit**" die Thembelihle munisipaliteit; en

"**skottelantennestelsel**" 'n konkawe toestel wat gebruik word of ontwerp is om satellietuitsendings te ontvang.

Toestemming vir sekere antennestelsels

2. (1) Behalwe met die voorafverkreë skriftelike toestemming van die Munisipaliteit en behoudens die voorwaardes bepaal in sodanige toestemming, rig niemand op enige perseel 'n antennestelsel op, laat dit oprig of laat toe dat dit opgerig word –

(a) wat hoër is as 3 m vanaf die grond indien dit nie op 'n gebou gemonteer is nie;

(b) wat, indien dit op 'n gebou gemonteer is, meer as 3 m bokant die hoogste punt van daardie gebou uitsteek nie;

(c) wat 'n skottelantennestelsel met 'n deursnee van meer as 1 m is nie.

(2) Aansoek om toestemming moet by die Munisipaliteit gedoen word op die vorm deur die Munisipaliteit vir daardie doel voorsien en gaan vergesel van die gelde deur die Munisipaliteit bepaal.

(3) Iemand wat nie aan die bepalings van subartikel (1) voldoen nie, moet binne 12 maande na inwerkingtreding van hierdie Verordening aan genoemde bepalings voldoen.

Strafbepaling

3. (1) Iemand wat 'n bepaling van artikel 2(1) of 'n vereiste of voorwaarde daarkragtens oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(2) Iemand wat skuldig bevind word aan 'n misdryf ingevolge subartikel (1) is strafbaar met 'n boete of met gevangenisstraf van hoogstens een jaar, of met beide 'n boete en met daardie gevangenisstraf.

Herroeping van wette en voorbehoude

4. (1) Hierdie verordening herroep alle ander verordeninge in die verband.

(2) Enige toestemming verkry, reg toegestaan, voorwaarde opgelê, aktiwiteit veroorloof of ding gedoen kragtens 'n herroepe wet word, na gelang van die geval, geag kragtens die ooreenstemmende bepaling van hierdie Verordening (as daar is), verkry, toegestaan, opgelê, veroorloof of gedoen te gewees het.

Kort titel

5. Hierdie Verordening heet die Verordening op Antennestelsels, 2008

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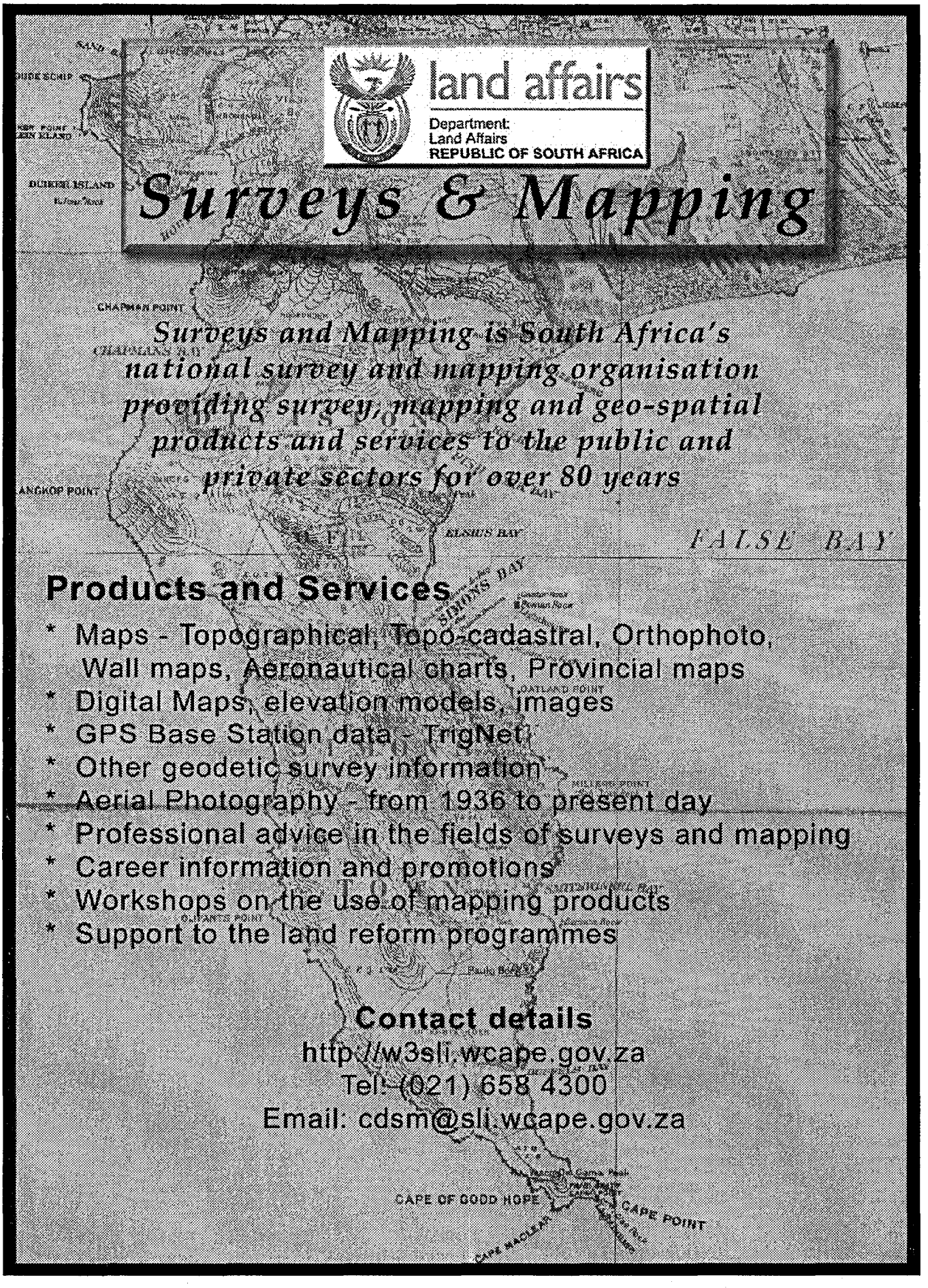

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