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GEORGE MUNICIPALITY

AIR QUALITY MANAGEMENT BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the Air Quality Management By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

AIR QUALITY MANAGEMENT BY-LAW

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CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions

“**the Act**” means the National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), as amended, and any other word or expression to which a meaning has been assigned in the Act shall bear that meaning.

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

“**air pollutant**” includes dust, smoke, fumes, aerosol and gas that causes or may cause air pollution;

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

“**air quality management plan**” means the air quality management plan referred to in section 15 of the Act;

“**air quality officer**” means an officer appointed in terms of section 14 of the Act;

“**ambient air**” means “**ambient air**” as defined in section 1 of the Act;

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

“**atmospheric emission**” or “**emission**” means any emission or entrainment process emanating from a point, non-point or mobile source that may result in air pollution;

“**authorised official**” means any employee of the municipality responsible for carrying out any duty or function or exercising any power in terms of this by-law and includes any employee delegated to carry out such duties, functions and powers;

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

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**dark smoke**” means smoke which has a density of 60 Hartridge smoke units or more or smoke which when measured using a light absorption meter, obscuration measuring equipment or other similar equipment, has an obscuration of 20% or greater;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere; and includes particulate matter;

"dwelling" means any building or structure, or part of a building or structure, used as a dwelling and any outbuildings ancillary to it;

"environmental management inspector" means an environmental management inspector referred to in chapter 3;

"environment" means the surroundings within which humans exist and that are made up of:

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the inter relationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"fuel burning equipment" means any furnace, boiler, incinerator, or other equipment, including a chimney:

- (a) designed to burn or capable of burning liquid, gas or solid fuel
- (b) used to dispose of any material or waste by burning; or
- (c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

"light absorption meter" means a measuring device that uses a light measurement cell or detector to determine the amount of light absorbed by an air pollutant.

"media blasting" means a process that uses pressurized air to propel a stream of abrasive material against a surface (known as blasting media) out of a nozzle and includes sand blasting or shot blasting;

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

"National Framework" means the National Framework for Air Quality Management in the Republic of South Africa, as established in terms of the Act;

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended;

"obscuration" means the ratio of visible light attenuated by air pollutants suspended in the effluent streams to incident visible light, expressed as a percentage;

"open burning" means the combustion of material by burning without a closed system that has a chimney to vent the emitted products of combustion to the atmosphere;

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

"person" means a natural person or a juristic person;

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

"public nuisance" means an unreasonable interference or likely interference caused by air pollution with:

- (a) the health or well being of the public;
- (b) the ordinary comfort, convenience and peace of the public.

"rubber product" means anything composed of natural or synthetic rubber including anything containing or coated with rubber;

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

"soot blowing" means a method of cleaning deposited carbon from the internal surfaces of fuel burning equipment, which usually includes the use of a jet of air or steam onto heat exchange surfaces to clean deposits;

"spray area" means the area or enclosure referred to in section 20.

2. Purpose and objectives

(1) The objectives of this by-law are to-

- (a) give effect to the environmental right contained in section 24 of the Constitution and the local government mandate contained in Schedule 4B of the Constitution by regulating air pollution within the jurisdictional area of the municipality;
- (b) give effect to the requirements of the municipality's Air Quality Management Plan;

- (c) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the municipality can manage and regulate activities that have the potential to adversely impact the environment, public health and well being; and
 - (d) ensure that air pollution is avoided, or where it cannot be altogether avoided, mitigated or minimised.
- (2) Any person exercising a power under this by-law must exercise such power to give effect to the objectives as set out in subsection (1) above.

3. Application

- (1) This by-law must be read with any applicable provisions of the Act and the National Framework.
- (2) This by-law applies to all land or premises within the jurisdictional area of the municipality.
- (3) The provisions of this by-law do not remove the need for any other permit, consent, or authorisation required under any other legislation.
- (4) In the event of conflict with another by-law or policy that regulates air pollution, the provisions of this by-law shall prevail in so far as it relates to air quality.

CHAPTER 2: DUTY OF CARE

4. Air pollution duty of care

- (1) Every person who is wholly or partially responsible for causing atmospheric emissions from premises must take all reasonable measures-
 - (a) to prevent any air pollution from occurring; and
 - (b) where it cannot be prevented, to mitigate any air pollution that may occur.
- (2) No person may commit any act or omission which causes or is likely to cause air Pollution.

CHAPTER 3

DESIGNATION OF AIR QUALITY OFFICER AND ENVIRONMENTAL MANAGEMENT INSPECTORS

5. Designation of air quality officer and environmental management inspectors

- (1) The municipal manager must designate an employee of the municipality as air quality officer to be responsible for co-ordinating matters pertaining to air quality management within the jurisdictional area of the municipality.

- (2) The municipal manager may request the MEC responsible for environment in the Province to designate appropriately qualified officials of the municipality as environmental management inspectors in terms of section 31C of NEMA.

6. Powers and functions of the air quality officer

- (1) The air quality officer must —
 - (a) co-ordinate the development of the air quality management plan for inclusion in the Integrated Development Plan of the municipality;
 - (b) report annually on air quality in the municipality;
 - (c) exercise the powers and duties assigned to him or her under this by- law; and
 - (d) submit the annual report referred to in paragraph (b) to the air quality officer appointed by the MEC responsible for environment in the Province.
- (2) The annual report referred to in subsection (1)(b) must include the progress of the municipality towards the implementation of the air quality management plan.

7. Powers and functions of designated environmental management inspectors

A designated environmental management inspector shall, within his or her mandate as determined by the MEC, have all the powers and functions as set out in sections 31G to 31L of NEMA.

CHAPTER 4

LOCAL EMISSION STANDARDS, NORMS AND STANDARDS AND SMOKE CONTROL ZONES

Part 1: Local Emission Standards

8. Identification of Substances and Development of Local Emission Standards

- (1) The municipality may, by notice:
 - (a) identify substances or mixtures of substances in ambient air which, through ambient concentrations, bioaccumulation, deposition or in any other way, present a threat to health, well-being or the environment in the municipality or which the air quality officer reasonably believes present such a threat; and
 - (b) in respect of each of those substances or mixtures of substances, publish local standards for emissions from point, non-point or mobile sources in the municipality.

- (2) The municipality must take the following factors into consideration in setting local emission standards:
 - (a) health, safety and environmental protection objectives;
 - (b) analytical methodology;
 - (c) technical feasibility;
 - (d) monitoring capability;
 - (e) socio-economic consequences;
 - (f) ecological role of fire in vegetation remnants; and
 - (g) best practicable environmental option.
- (3) Any person emitting substances or mixtures of substances referred to in subsection (1) must comply with the emission standards established in terms of this section.

Part 2: Norms and Standards

9. Substances identification process

- (1) The municipality must apply the following criteria when identifying and prioritising the substances in ambient air that present a threat to public health, well-being or the environment:
 - (a) the possibility, severity and frequency of effects with regard to human health and the environment as a whole, with irreversible effects being of special concern;
 - (b) ubiquitous and high concentrations of the substance in the atmosphere;
 - (c) potential environmental transformations and metabolic alterations of the substance, as these changes may lead to the production of chemicals with greater toxicity or introduce other uncertainties;
 - (d) persistence in the environment, particularly if the substance is not biodegradable and able to accumulate in humans, the environment or food chains;
 - (e) the impact of the substance, taking the following factors into consideration:
 - (i) size of the exposed population, living resources or ecosystems;
 - (ii) the existence of particularly sensitive receptors in the zone concerned; and
 - (f) substances that are regulated by international conventions.

- (2) The municipality must, using the criteria set out in subsection (1), compile a list of substances in ambient air that present a threat to public health, well-being or the environment.

10. Declaration of air pollution control zones

- (1) The municipality may-
 - (a) declare air pollution control zones within its area of jurisdiction ;
and
 - (b) within the air pollution control zone, by notice in the Provincial Gazette-
 - (i) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;
 - (ii) prohibit or restrict the combustion of certain types of fuel;
 - (iii) declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted;
 - (iv) prescribe different requirements in an air pollution control zone relating to air quality in respect of:
 - (aa) different geographical portions;
 - (bb) specified premises;
 - (cc) classes of premises;
 - (dd) premises used for specified purposes; or
 - (ee) mobile sources
- (2) The municipality may develop and publish policies and guidelines, including technical guidelines, relating to the regulation of activities which directly and indirectly cause air pollution within an air pollution control zone.

11. Public Participation Process

For the purposes of the publication of the local emission standards and the declaration of air pollution control zones, the municipality must follow the public participation process as set out in section 13 of the Municipal Systems Act, 2000, as amended.

CHAPTER 5

SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

12. Prohibition of dark smoke from premises

- (1) Subject to subsections (2) and (3), dark smoke may not be emitted from any premises, other than dwellings, for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs within thirty minutes of the equipment being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practical environmental option.
- (3) During soot blowing of any fuel burning equipment, dark smoke shall be limited to a period not exceeding 10 minutes in any continuous period of eight hours. Should soot blowing of any fuel burning equipment exceed 10 minutes, the holder shall report the incident to the air quality officer immediately.
- (4) Subsections (1), (2) and (3) do not apply to holders of atmospheric emission licences for activities listed in terms of section 21 of the Act, and the emission standards listed in such licence shall apply.

13. Installation and operation of fuel burning equipment

- (1) No person may install, alter, extend, replace or cause or permit to be installed, altered, extended or replaced any fuel burning equipment on any premises, unless the plans and specifications in respect of such installation, alteration, extension or replacement have been approved by the municipality.
- (2) The municipality may, in the written approval issued in terms of subsection (1), impose conditions with which the applicant must comply, including:
 - (a) minimum emission standards;
 - (b) minimum chimney diameter and height;
 - (c) minimum control measures; and
 - (d) maximum hours of operation.
- (3) No person may use or operate any fuel-burning equipment on any premises contrary to an authorisation issued in terms of subsection 1 or contrary to any conditions of such authorisation issued in terms of subsection (2).
- (4) Where fuel-burning equipment has been used or operated on the premises contrary to subsections (1) or (2), an authorised official may after written notice to the owner or operator of the equipment-
 - (a) order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within the period stated in the notice; or
 - (b) revoke his or her authorisation under subsection (1).
- (5) The municipality may, if the owner or operator of the equipment fails to comply with a notice issued in terms of subsection (4), remove the fuel

burning equipment from the premises and may recover the reasonable costs incurred from the owner or operator.

- (6) The municipality may take whatever steps necessary to remedy the harm caused by the use or operation of fuel-burning equipment in contravention of this section and recover any costs incurred from the person responsible therefor.

14. Emission measuring

- (1) An authorised official may issue a written notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to conduct emission measurements of specific pollutants in accordance with *Schedule 1* of this by-law, or to install, maintain and operate obscuration measuring equipment at his or her own cost if such official has grounds to believe-
 - (a) that unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred;
 - (b) that unauthorised and unlawful emissions of selected pollutants beyond the minimum emission standards authorised from any fuel burning equipment from the relevant premises have occurred;
 - (c) that fuel-burning equipment has been or is intended to be installed on the relevant premises which are likely to emit dark smoke;
 - (d) that the person on whom the notice is served has previously transgressed the provisions of this chapter and has not taken adequate measures to prevent further transgression of the provisions of this chapter; or
 - (e) that the nature of the air pollutants emitted from the relevant premises is likely to create a hazard to human health or the environment.
- (2) A notice issued in terms of subsection (1) must contain the information as set out in section 28 of this by-law.

15 . Monitoring and sampling

An owner or occupier of premises, and the operator of any fuel-burning equipment, who is required to conduct emission measurements or to install obscuration measuring equipment in terms of section 14(1) must-

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results; and
- (b) if requested to do so by an authorised official-
 - (i) produce the record of the monitoring and sampling results for inspection; and

- (ii) provide a written report, in a form and by a date specified by the authorised official, of part or all of the information in the record of the monitoring and sampling results.

16. Temporary exemption

- (1) Subject to section 32 and on application in writing by the owner or occupier of premises or the operator of fuel-burning equipment, the municipality may grant a temporary exemption in writing from one or all the provisions of this Chapter.
- (2) Any exemption granted under subsection (1) must state at least the following-
 - (a) a description of the fuel-burning equipment and the premises on which it is used or operated;
 - (b) the reasons for granting the exemption;
 - (c) the conditions attached to the exemption, if any;
 - (d) the period for which the exemption has been granted; and
 - (e) any other relevant information.
- (3) The municipality may not grant a temporary exemption under subsection (1) until the municipality has-
 - (a) taken reasonable measures to ensure that all persons whose rights may be adversely affected by the granting of the temporary exemption, including adjacent land owners or occupiers, are aware of the application for temporary exemption and how to obtain a copy of it;
 - (b) provided such persons with a reasonable opportunity to object to the application; and
 - (c) duly considered and considered any objections raised.

17. Transitional arrangements in respect of authorised fuel burning equipment

- (1) Subject to section 33(2), fuel burning equipment that was authorised to operate in terms of any by-law of the municipality prior to the commencement of this by-law, continues to be authorised to operate subject to sub section (3).
- (2) During the period for which the authorised fuel burning equipment continues to operate, the provisions of this by-law, read with the necessary changes, apply in respect of-
 - (a) the holder of an existing authorisation as if that person is the holder of the authorisation issued in terms of section 13(1) of this by-law; and
 - (b) the existing authorisation as if the authorisation was issued in terms of section 13(1) of this by-law.

- (3) The holder of an existing authorisation must re-apply in terms of subsection 13(1), when such authorisation expires or when required to do so by the municipality.

CHAPTER 6

EMISSIONS CAUSED BY BURNING OF MATERIAL

18. Emissions caused by burning of industrial waste, domestic waste and garden waste on any premises

A person who carries out or permits the burning of any industrial, domestic or garden waste, on any premises, for the purpose of disposing of that waste, is committing an offence unless such waste is legally disposed of in terms of section 26 of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

19. Emissions caused by tyre burning and burning of rubber and other material for the recovery of metal

- (1) No person may without written permission of the municipality-
 - (a) carry out or permit the burning of any tyres or rubber or other synthetically coated, covered or insulated products and electronic or other equipment on any premises;
 - (b) carry out or permit the burning of any tyres, rubber products, cables or any other products, on any premises for the purpose of recovering the scrap metal or fibre reinforcements, or of disposing of tyres, or the rubber products or cables as waste; or
 - (c) possess, store, transport or trade in any illegally burnt metal or fibre reinforcement.
- (2) The municipality may take whatever steps it considers necessary to remedy the harm caused by the burning referred to in paragraphs (a) and (b) and the possession referred to in paragraph (c), and prevent any occurrence of it, and may recover the costs incurred from the person responsible for causing such harm.

CHAPTER 7

EMISSIONS CAUSED BY SPRAY PAINTING AND MEDIA BLASTING

20. Spray painting emissions

- (1) No person may spray, coat, plate, or epoxy-coat any vehicle, article or object with any substance outside an approved spray-painting room or booth without approval of the municipality.

- (2) A spray area or spray booth referred to in sub section (1) must be-
 - (a) constructed and equipped in accordance with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993); and
 - (b) approved by an authorised official, for emissions, mechanical ventilation, noise and any other relevant legislation.
- (3) A person who wishes to obtain a spraying authorisation must apply for authorisation in the prescribed manner.
- (4) The provisions of any by-law of the municipality relating to Fire Safety shall apply with the necessary changes.

21. Media blasting emissions

- (1) A person conducting media blasting, grinding, finishing or similar activity which produce emissions of dust that may be harmful to public health or cause a public nuisance must take control measures to prevent emissions into the atmosphere.
- (2) A person undertaking an activity referred to in subsection (1) must implement dust extraction control measures or any alternative control measures approved by the municipality.

CHAPTER 8

EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES

22. Prohibition

- (1) No person may drive or use a compressed ignition powered vehicle that emits dark smoke.
- (2) For purposes of this section the registered owner of the vehicle shall be presumed to be the driver unless the contrary is proven.

23. Stopping of vehicles for inspection and testing

- (1) The driver of a vehicle must comply with any reasonable direction given by an authorised official-
 - (a) to stop the vehicle; and
 - (b) to facilitate the inspection or testing of the vehicle.
- (2) The authorised official may-
 - (a) inspect and test the vehicle in which case inspection and testing must be carried out-

- (i) at or as near as practicable to the place where the vehicle is stopped; and
 - (ii) as soon as practicable after the vehicle is stopped; or
- (b) conduct a visual inspection of the vehicle and, if he or she believes that an offence has been committed under section 22(1), instruct the driver of the vehicle to take the vehicle to a testing station, within a specified period, for inspection and testing in accordance with section 24.

24. Testing procedure

- (1) An authorised official must use the free acceleration test method to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 22(1).
- (2) The following procedure must be adhered to –
- (a) the driver must start the vehicle, place it in neutral gear, engage the clutch and disengage the exhaust brake;
 - (b) the authorised official or the driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle;
 - (c) while the throttle pedal is depressed, the authorised official must measure the smoke emitted from the vehicle's emission system with a Hartridge Smoke meter to determine whether or not it is dark smoke; and
 - (d) the throttle pedal of the vehicle must be released when directed to do so by the authorised official.
- (3) If the authorised official is satisfied that the vehicle-
- (a) is not emitting dark smoke, he or she must furnish the driver of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 22(1); or
 - (b) is emitting dark smoke, the authorised official must issue the driver of the vehicle with a repair notice in accordance with section 25.

25. Repair notice

- (1) A repair notice must direct the owner of the vehicle to take the vehicle to a place identified in the notice for re-testing.
- (2) The repair notice must contain the following information-
- (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and, if the driver is not the owner, the name and address of the vehicle owner;

- (c) the measures required to remedy the situation; and
 - (d) the period within which the owner of the vehicle must comply with the repair notice.
- (3) It shall not be a defence to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.

CHAPTER 9

COMPLIANCE AND ENFORCEMENT

26. Compliance Notice

- (1) An authorised official may serve a compliance notice on any person whom he or she reasonably believes is likely to commit or has committed an offence under this by-law, calling upon that person-
- (a) to abate the nuisance or transgression within a period specified in the notice;
 - (b) to take all necessary steps to prevent a recurrence of the nuisance or transgression; and
 - (c) to comply with any other conditions contained in the notice.
- (2) For the purposes of sub section (1), an authorised official may form a reasonable belief based on his or her own experience that an air pollutant was emitted from premises occupied or owned by the person on whom the compliance notice is to be served.
- (3) A notice referred to in sub section (1) must contain the following information-
- (a) the action that constitutes a contravention or non-compliance;
 - (b) the relevant legislative provisions contravened;
 - (c) the measures to be implemented to remedy the situation
 - (d) the time frame within which remedial measures must be executed;
 - (e) the right to make representations; and
 - (f) the possible consequences if the notice is not complied with.
- (4) A compliance notice under sub section (1) may be 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.
- (5) 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.

27. Remedial steps

- (1) The municipality may take reasonable measures to remedy a condition or situation or to apply to a competent court for appropriate relief should a person fail to comply, or inadequately comply with a notice issued in terms of section 26 or any other provision of this by-law.
- (2) The municipality may recover costs for remedial measures undertaken under subsection (1) from any person who is or was responsible for, or who contributed to the transgression.

28. Access to premises and enforcement

- (1) An authorised official shall have access to any premises for the purpose of-
 - (a) doing anything authorised or required to be done under this by-law or the Act or any other law regulating air quality;
 - (b) inspecting and examining atmospheric emissions or anything connected therewith;
 - (c) enquiring into and investigating any possible sources of atmospheric emissions or the suitability of property for any work, scheme or undertaking that results in atmospheric emissions;
 - (d) ascertaining whether there is or has been contravention of the provisions of this by-law or the Act; and
 - (e) enforcing compliance with the provisions of this by-law or the Act.
- (2) The municipality may gain access to or over premises without notice and may take whatever steps or action as may reasonably be necessary or desirable in consequence of the existence of or the occurrence of any emergency or disaster.

CHAPTER 10

GENERAL PROVISIONS

29. Indemnity

The municipality shall not be liable for any damage caused to any property or premises by any action or omission of the employees or officials of the municipality when exercising any function or performing any duty in terms of this by-law, provided that such employees or officials must, when exercising such function or performing such duty, take reasonable steps to prevent any damage to such property or premises.

30. Exemptions

- (1) Any person may, in writing, apply to the municipality for exemption from the application of a provision of this by-law.
- (2) The municipality may require an applicant applying for exemption to take steps bring the application to the attention of interested and affected persons.
- (3) The steps contemplated in subsection (3) may include the publication of a notice in at least two newspapers, one circulating provincially and one circulating within the jurisdiction of the municipality-
 - (a) giving reasons for the application; and
 - (b) containing such other particulars concerning the application as may be required.
- (4) The municipality may-
 - (a) review any exemption granted in terms of this section, and may impose such conditions as it may determine; and
 - (b) withdraw any exemption in case of non-compliance with such conditions.
- (5) The municipality may not grant an exemption under subsection (1)-
 - (a) until it has taken reasonable measures to ensure that all persons whose rights may be adversely affected by the granting of the exemption are aware of the application for exemption and how to obtain a copy of it;
 - (b) until it has provided such persons with a reasonable opportunity to object to the application; and
 - (c) until it has duly considered and considered any objections raised.

- (6) The municipality may not grant an exemption under subsection (1) in conflict with the Act or any other legislation or any restriction placed in terms of any other legislation.

31. Offences and penalties

- (1) A person who contravenes sections 4, 12, 13, 15, 18, 19, 20, 21, 22, and 23 is guilty of an offence and upon conviction will be liable to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment.
- (2) It is an offence to-
 - (a) supply false information to an authorised person made in terms of this by-law; or
 - (b) refuse to co-operate with the request of an authorised official made in terms of this by-law or to interfere with an authorised official in the execution of his or her duties.;
 - (c) fail to comply with a notice issued in terms of section 26 of this by-law.
- (3) A court may order any person convicted of an offence under this by-law to pay a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.
- (4) Failure to comply with a notice, direction or condition referred to in this by-law constitutes a continuing offence and a person who is guilty of a continuing offence, is liable on conviction to an additional fine for each day on which such offence is continued.
- (5) In addition to imposing a fine or imprisonment, a court may order any person convicted of an offence under this by-law-
 - (a) to remedy the harm caused;
 - (b) to pay damages for harm caused to another person or to property, which order shall have the force and effect of a civil judgment; and
 - (c) to install and operate at the person's own expense emission measuring equipment referred to in section 14.
- (6) In addition to any other penalty the court may impose, it may order a person to take such steps the court considers necessary within a period determined by the court in order to prevent a recurrence of the offence.

32. Appeal

A person whose rights are affected by decision taken in terms of delegated authority may appeal to the municipal manager against such decision in terms

section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) by giving a written notice within 21 days of the date of notification of the decision and the reasons for the appeal.

33. Repeal of by-law

The George Municipality: Air Pollution Control By-law published in Provincial Gazette No. 6816 dated 30 November 2010 is hereby repealed.

34. Short title and commencement

This by-law shall be known as the George Municipality: Air Quality Management By-law, and shall come into operation on the date of publication thereof in the Provincial Gazette

Schedule 1

(Section 14)

Standards and specifications for fuel-burning equipment:

1. All fuel-burning equipment capable of burning more than 100kg/h of coal, biomass or other solid fuel shall be fitted with suitable control equipment to limit dust and grit emissions.
2. The control equipment shall be fitted in such a manner to facilitate easy maintenance.
3. The permitted concentration of grit and dust emissions from a chimney serving a coal fired boiler equipped with any mechanical draught fan system shall not be more than 250 mg/Nm³ (as measured at 0°C, 101,3 kPa and 12% CO₂). Where the fuel-burning equipment has been declared as a Controlled Emitter in terms of the Air Quality Act, the respective Controlled Emitter Regulations shall apply.

The approved methods for testing shall be:

US EPA:

1. Method 17 - In-Stack Particulate (PM).
2. Method 5 - Particulate Matter (PM).

ISO standards:

ISO 9096: Stationary source emissions - Manual Determination of mass concentration of particulate matter.

British standards:

BS 3405:1983 Method for measurement of particulate emission including grit and dust (simplified method).

The municipality reserves the right to call upon the owner or his or her agent of the fuel burning equipment to have the emissions from such fuel burning equipment evaluated at his or her own expense as may be required by the authorised official.

Insulation of chimneys:

All fuel-burning equipment using Heavy Fuel Oil or other liquid fuels with a sulphur content equal to or greater than 2.5 % by weight must be fitted with a fully insulated chimney using either a 25mm air gap or mineral wool insulation to prevent the formation of acid smut. Such chimneys must be maintained in a good state of repair at all times.

Wood-fired pizza ovens and other solid fuel combustion equipment:

Wood-fired pizza ovens and other solid fuel combustion equipment shall be fitted with induced draft fans at the discretion of the authorised official.

GEORGE MUNICIPALITY

BY-LAW RELATING TO THE USE OF REMOTELY PILOTED AIRCRAFT AND MODEL AIRCRAFT IN PUBLIC PLACES AND STREETS

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the By-Law relating to the Use of Remotely Piloted Aircraft and Model Aircraft in Public Places and Streets as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

BY-LAW RELATING TO THE USE OF REMOTELY PILOTED AIRCRAFT AND MODEL AIRCRAFT IN PUBLIC PLACES AND STREETS

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7. Powers and functions of authorised official
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10. Short title and commencement

SCHEDULE : SPECIFICATIONS: MODEL AIRCRAFT

1. Definitions

In this by-law, unless inconsistent with the context—

“authorised official” means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law;

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

"municipal area" means the jurisdictional area of the George municipality;

"municipal property" means property or facilities, including but not limited to-

- (a) roads and road reserves;
- (b) pavements, curbs, pedestrian walks and cycle paths;
- (c) drainage facilities;
- (d) buried ducts, pipes and pipe lines, conduits and tunnels;
- (e) poles, gantries, signs and similar structures;
- (f) high sites such as water towers, buildings, masts etc;
- (g) water and sanitation infrastructure;
- (h) electricity supply facilities;
- (i) waste disposal sites;
- (j) municipal traffic signals and signs;
- (k) street lighting poles and similar street installations including overhead cables;
- (l) trees on municipal property
- (m) land and buildings owned by the municipality; and
- (n) any infrastructure provided by the municipality for the purposes of service delivery to its residents;

"model aircraft" means a heavier-than-air aircraft of limited dimensions, with or without a propulsion device, unable to carry a human being and to be used for competition, sport or recreational purposes rather than unmanned aeronautical vehicles (UAV) developed for commercial or governmental, scientific, research or military purposes, and not exceeding the specifications as set by the Federation Aeronautique Internationale as more fully described in the Schedule hereto;

"public place" means any land, square, building, park, recreation ground, square, camping area, caravan park, public parking area, sports grounds, open space, public resort, recreation site, river, dam, zoo-logical, botanical or other garden, or hiking trail, including any portion thereof which is the property

of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not, but excluding a public road or street;

“Regulations” means the Civil Aviation Regulations GN R425 of 2012, promulgated under the Civil Aviation Act, 2009, (Act 13 of 2009), as amended;

“remotely piloted aircraft” means an unmanned aircraft, hereinafter referred to as RPA, which is operated from a remote pilot station, excluding model aircraft as defined in this section;

“street” means any street, public road, public parking area, cycle path, thoroughfare or any other place, including –

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
 - (v) any land, with or without buildings or structures thereon, which is shown as a street on –
 - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (bb) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General’s office;

2. Purpose of by-law

The municipality has a duty to promote a safe and healthy environment for all its residents and to protect municipal property. The municipality therefore adopts this by-law to regulate and manage the operation of RPA’s and model aircraft in all public places and streets in the municipal area and to regulate behaviour that endangers or is likely to endanger municipal property or members of the public.

3. Prohibition on the use of RPA's and model aircraft

- (1) Without derogating from the provisions of the Regulations, and subject to the provisions of section 4, no person may, without the written permission of the municipality-
 - (a) operate or allow to be operated an RPA or model aircraft in or over any public place within the municipal area; or
 - (b) use any street in the municipal area as a place of landing or take-off of an RPA;
- (2) No person may operate or allow to be operated an RPA or model aircraft in or over any public place or along any street within the municipal area in a manner that endangers or is likely to endanger municipal property or members of the public.

4. Application process and criteria

- (1) A person who wishes to use any street for landing or take-off of an RPA, or who wishes to operate an RPA or model aircraft in or over a public place, must apply in writing to the municipality at least 14 (fourteen) working days before such an event, for permission to do so and the municipality may grant such application on the conditions it may find necessary.
- (2) The application must be accompanied by the applicable fees or deposit as determined by the municipality and must include the following information-
 - (a) the name and age of the applicant;
 - (b) purpose of the proposed operation;
 - (c) date & time and duration of the proposed operation;
 - (d) qualifications and experience of the operator of the RPA or model aircraft; or
 - (e) any other information required by the municipality.
- (3) In considering an application in terms of sub section (1), the municipality may apply criteria, including but not limited to-
 - (a) potential impact on bird- or wild life;
 - (b) safety of users of public places or streets;
 - (c) potential damage to municipal property;
 - (d) noise disturbance;
 - (e) weather conditions;
 - (f) compliance with the Regulations; or
 - (g) any other criteria the municipality may find necessary to consider.
- (4) Where an application to use any street for landing or take-off of an RPA in terms of sub section (2) is granted, the municipality may close such

street for public use as provided for in regulation 101.5.15 of the Regulations.

- (5) If an application is refused, the municipality must provide the applicant with the reasons for such refusal.
- (6) Approval of an application in terms of this by-law does not exempt the operator of an RPA or model aircraft to comply with any other applicable legislation or by-laws of the municipality.

5. Exceptional circumstances in which the operation of RPA may be allowed in public places or streets

The provisions of section 3 shall not apply to the operation of an RPA if operated by an authorised official or operator appointed by the municipality for the purpose of enforcement of this by-law or any other legislation relating to the functions of the municipality;

6. Revocation of approval

The municipality may, with reasonable notice, revoke an approval given under section 4 where any of the conditions imposed are not complied with, or without notice where circumstances arise during the operation which requires immediate revocation.

7. Powers and functions of authorised official

(1) An authorised official may-

- (a) investigate any act or omission which on reasonable suspicion may constitute an offence in terms of this by-law;
- (b) if he or she is a Peace Officer, in accordance with section 334(1) of the Criminal Procedures Act, 1977, search a person for and seize anything-
 - (i) which is used in, or is on reasonable grounds believed to be used in a contravention or failure to comply with any provision of this by-law;
 - (ii) which may afford evidence of such contravention or failure; or
 - (iii) which is intended to be used or on reasonable grounds believed to be intended to be used in such contravention or failure.

(2) An authorised official who acts under subsection (1)(b) must, issue to a person a receipt for property seized and the receipt must contain the following particulars:

- (a) the address where the seized property will be kept and the period it will be kept;
- (b) the conditions for the release of the seized property; and
- (c) that unclaimed property will be sold by public auction.

8. Offences and Penalties

- (1) A person commits an offence if he or she –
 - (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an authorised official in the exercise of his or her powers or execution or his or her duties;
 - (b) falsely pretends to be an official;
 - (c) furnishes false or misleading information when applying for approval in terms of section 4;
 - (d) fails to comply with a request of an authorised official; or
 - (e) fails to comply with a notice in terms of section 6.

- (2) A person who contravenes section 3(1) or (2) or fails to comply with any of the conditions imposed in terms of section 4, commits an offence and shall on conviction be liable to-
 - (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

9. Appeal

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

10. Short title and commencement

This by-law shall be known as the George Municipality By-law Relating to the Use of Remotely Piloted Aircraft and Model Aircraft in Public Open Spaces and Streets and shall come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE

MODEL AIRCRAFT

General Characteristics of Model Aircraft:

1. The general characteristics of model aircraft are set by the Federation Aeronautique Internationale and may be found in section 4 of its document ABR, Part 4 C.
2. Unless otherwise stated, model aircraft shall meet the following general specifications:
 - (a) maximum flying weight with fuel - 25kg;
 - (b) maximum surface area - 5m²;
 - (c) maximum loading - 5kg/m²;
 - (d) maximum swept volume of piston motor(s) - 250cm³
 - (e) electric motors power source maximum no-load voltage - 42 volts;
 - (f) metal-bladed propellers are prohibited.
3. Model helicopters shall meet the following general specifications:
 - (a) Maximum weight with fuel - 5kg;
 - (b) maximum swept area of the lifting rotor(s) counting only once any superimposed areas - 3m²; Provided that in the case of co-axial model helicopters whose rotors are further than one rotor diameter apart, the total area of both rotors is counted;
 - (c) piston motor swept volume maximum - 10cm³;
 - (d) Rubber motor - no restrictions.
4. Free-flying model aircraft that are neither radio- or line- controlled shall not have a maximum mass exceeding 5 kg.
5. Noise limitations:
 - (a) Noise limitations shall be applied to powered model aircraft categories, with 96 dB (A) at 3 meters for any category, which does not have approval for any other noise rule. Specific noise measuring procedures are to be developed by relevant national body in which model aircraft operators are associated.
 - (b) Noise limits do not apply to model aircraft with electric motors.

GEORGE MUNICIPALITY

BY-LAW RELATING TO THE IMPOUNDMENT OF ANIMALS

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the By-Law Relating to the Impoundment of Animals as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

BY-LAW RELATING TO THE IMPOUNDMENT OF ANIMALS

ARRANGEMENT OF SECTIONS

1. Definitions
2. Application
3. Establishment of pound
4. Appointment of pound keeper
5. Trespassing or straying animals may be impounded
6. Animals too vicious, intractable or wild to be impounded
7. Release of animals before removal to pound
8. Care of trespassing animals
9. Pound to which animals must be taken
10. Information to be supplied to pound keeper
11. Acceptance at pound of animals to be impounded
12. Pound register
13. Notice to owners of animals
14. Care of impounded animals
15. Isolation of infected animals
16. Impounded animals not to be worked
17. Death of or injury to impounded animals
18. Copies of by-laws
19. Fees and costs payable
20. Release of impounded animals
21. Sale of impounded animals
22. Pound keeper may not purchase impounded animals
23. Animals unsuccessfully offered for sale
24. Proceeds
25. Action for recovery of damages
26. Procedure to be followed in application to Court
27. Indemnity
28. Offences and penalties
29. Schedules 1 and 2 form part of this by-law
30. Appeal
31. Repeal of by-laws
32. Short title and commencement

1. Definitions

In these bylaws, unless inconsistent with the context—

“**animal**” includes a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat or the hybrid of any such animal, and “**animals**” will have a corresponding meaning;

“**authorised official**” means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law;

“**Court**” means a Magistrate’s Court as referred to in section 166(d) of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

“**Gazette**” means the official Provincial Gazette of the Province of the Western Cape;

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

“**municipal manager**” means the municipal manager of the municipality appointed in terms of section 54A of the Municipal Systems Act, 32 of 2000 and includes a person acting in that capacity

“**owner**” includes an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained, and in relation to any—

- (a) animal, includes the agent of the owner or other person having the lawful custody or possession of such animal; or
- (b) land, includes the owner, lessee or lawful occupier of such land or his or her agent;

“**pound**” means a pound established as contemplated in section 3;

“**pound keeper**” means the person appointed from time to time as contemplated in section 4 and includes any person acting for or on behalf of the appointed pound keeper;

“**public place**” means any place to which the public has access including, without limiting the generality of the foregoing any:

- (a) square;
- (b) park;
- (c) recreation ground;
- (d) sports ground;
- (e) open space;
- (f) beach;
- (g) shopping centre on municipal land;

- (h) unused or vacant municipal land; or
- (i) cemetery;

“public road” means a public road as contemplated in section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996); and

“service delivery agreement” means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

2. Application

This by-law apply to the area of jurisdiction of the Municipality, provided that nothing prevents any animal detained in terms of this by-law from being impounded in a pound or any similar facility established by any other municipality, or other lawful authority.

3. Establishment of pound

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

4. Appointment of pound keeper

The municipal manager must appoint a suitably skilled and experienced person as a pound keeper, unless the pound is established and operated in terms of a service level agreement contemplated in section 3(a).

5. Trespassing or straying animals may be impounded

- (1) The owner of land upon which any animal is found trespassing may seize such animal, provided that such animal may not be removed to a pound before notice is given to the owner as contemplated in section 13 below.
- (2) Any animal found straying unattended upon any public road or public place may be seized for impounding by—
 - (a) a member of the South African Police Services;
 - (b) a member of the South African National Defence Force;
 - (c) a member of the Provincial Road Traffic Inspectorate;
 - (d) an authorised official; or
 - (e) the owner of any land through or alongside which such road passes or which abuts on such public place.
- (3) A person may not keep an animal, seized for purposes of impounding in terms of in subsections (1) and (2), for a period longer than six hours without supplying such animal with adequate food and water.
- (4) Any person who has seized an animal for purposes of impounding must comply with the provisions of the Code of Good Practice on the Handling and Transportation of Impounded Animals contained in Schedule 1.

6. Animals too vicious, injured, intractable or wild to be impounded

If a Veterinarian or official contemplated in section 5(2)(a) to (d) is satisfied that an animal found trespassing on any land, or straying untended upon any public road or public place, is too dangerously vicious, injured, intractable or wild to be impounded, he or she may authorise the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal.

7. Release of animals before removal to pound

- (1) The owner of an animal, seized in terms of section 5(1) may apply to the owner of land contemplated in section 5(2) for the release of such animal prior to its removal to the pound.
- (2) The owner of land referred to in section 5(1)—
 - (a) may release such animal forthwith; or
 - (b) may refuse the release of the animal, whereupon he or she may apply to Court for authority to impound the animal or to claim any damages he or she may have suffered, in which event the Court may make any order, including an order as to costs that the Court deems just and equitable.
- (3) The owner of an animal seized in terms of section 5(2) may apply for the release of such animal prior to its removal to the pound, in which event the person who seized the animal must release such animal forthwith.

8. Care of trespassing animals

A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.

9. Pound to which animals must be taken

An animal seized for the purposes of impounding as contemplated in section 5, must be removed to the nearest accessible pound, by the shortest practical route, and within the shortest practical time: Provided that animals of different species must be separated at all times according to their species.

10. Information to be supplied to pound keeper

A person sending animals to the pound must advise the pound keeper in writing of—

- (a) the number and descriptions of the animals;
- (b) the land upon which they were found trespassing; and
- (c) the distance in kilometers, by the shortest practical route, between the place on such land where they were seized and the pound.

11. Acceptance at pound of animals to be impounded

The pound keeper may not refuse to accept an animal for impounding.

12. Pound register

- (1) The pound keeper must—
 - (a) maintain a pound register containing the information contemplated in Schedule 2, which must be available for public inspection at all reasonable times; and
 - (b) complete the pound register immediately upon the acceptance into the pound of any animal.
- (2) If the pound keeper—
 - (a) neglects or refuses to comply with any of the provisions of subsection (1);
 - (b) knowingly makes a false entry in the pound register;
 - (c) fraudulently destroys or erases any previous entry in the pound register; or
 - (d) wilfully delivers a false copy or extract from the pound register to any person, he or she commits an offence.

13. Notice to owners of animals

The owner of an animal contemplated in sections 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b), and 23(a), must be notified by—

- (a) addressing a written notice to him or her; or
- (b) placing a copy of the notice to the owner on the Municipal Notice Board; and
- (c) publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

14. Care of impounded animals

- (1) The pound keeper—
 - (a) is responsible for the proper care of all impounded animals;
 - (b) must ensure that fresh water and sufficient food is available to impounded animals at all times; and
 - (c) is liable to the owner of an impounded animal for any damage caused by his or her wilful or negligent acts or omissions.
- (2)
 - (a) If the pound keeper is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he or she, in consultation with a veterinarian or other suitably qualified person, may authorise the destruction or other disposal of the impounded animal.
 - (b) The pound keeper must immediately notify the owner in writing of the authorisation and the destruction or disposal of the animal.

15. Isolation of infected animals

- (1) If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 (Act No. 35 of 1984), he or she must—
 - (a) provide separate accommodation for such animal;
 - (b) immediately isolate the animal, and report the disease to the nearest State Veterinarian; and
 - (c) immediately notify the owner of the animal of such disease in writing.

- (2) If there is no State Veterinarian available, the pound keeper may request a report from a private veterinarian and if such a veterinarian is not available, he or she may apply to the court, which may authorise the destruction or other disposal of the impounded animal.
- (3) The pound keeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal.

16. Treatment of impounded animals

The pound keeper—

- (a) may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- (b) must ensure that all impounded male animals are at all times kept apart from female animals.

17. Death of or injury to impounded animals

If an impounded animal is injured or dies, the pound keeper must—

- (a) record the injury or cause of death in the pound register referred to in section 12; and
- (b) notify the owner of the animal in writing of the injury or death.

18. Copies of by-law

The pound keeper must ensure that copies of this by-laws in are available at the pound for inspection.

19. Fees and costs payable

The pound keeper must—

- (a) charge the owner of an impounded animal the fees as set by the Municipality from time to time as contemplated in section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) recover the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of this by-law or in accordance with any other law.

20. Release of impounded animals

- (1) The pound keeper must immediately release an impounded animal, and give the owner a receipt, upon the owner—
 - (a) providing proof of ownership of such animal; and
 - (b) paying the fees and costs contemplated in section 19.
- (2) If the owner of an impounded animal is unable to pay the fees or costs contemplated in section 19, the pound keeper may retain such animal in order to recover such fees or costs as may be due and payable.

21. Sale of impounded animals

(1) The pound keeper must—

- (a) whenever any impounded animal has not been released within seven days from the date of its impoundment, apply to the Court for authority to sell the animal; and

- (b) in the application contemplated in paragraph (a), provide the Court with proof that he or she lodged a statement as contemplated in sub-section (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include—
- (a) the fees and costs due in terms of this by-law; and
 - (b) the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.
- (3) The Court, whether the amounts set forth in the statement contemplated in subsection (1)(b) are disputed or not, must—
- (a) summarily enquire into the matter;
 - (b) enquire whether notice was given to the owner of the animal by the pound keeper; and
 - (c) make such order as it considers just and equitable, including an order—
 - (i) as to costs; and
 - (ii) on the process to be followed by the pound keeper in the sale of the animal.

22. Pound keeper may not purchase impounded animals

The pound keeper, or a family member, or a close associate of the pound keeper, or any municipal employee, may not purchase an animal offered for sale at a pound sale, either personally or through any other person, directly or indirectly.

23. Animals unsuccessfully offered for sale

In the event that any animal is not sold as contemplated in section 21—

- (a) the pound keeper must immediately advise the Court and the owner, if his/her identity is known, of its estimated value and the fees and costs incurred; and
- (b) the Court may make such order as it may deem just and equitable.

24. Proceeds

All proceeds from the collection of fees and costs contemplated in section 19 must be paid into the municipal revenue fund, provided that in the event that any impounded animal is sold at a price in excess of—

- (a) the fees and costs incurred; and
- (b) any damages awarded in terms of section 21(3)(c), such excess must be paid to the owner within 30 days of the sale, unless the identity of the owner has not been established, in which event the excess must be paid into the municipal revenue fund.

25. Action for recovery of damages

Nothing in this by-law prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

26. Procedure to be followed in application to Court

An application to Court for—

- (a) the impoundment of an animal in terms of this by-law, must comply with the procedure contemplated in Rule 55 of the Rules of Court; and

- (b) the sale of an impounded animal in terms of this by-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, as amended from time to time.

27. Indemnity

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

28. Offences and penalties

A person who—

- (a) releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;
- (b) unlawfully seizes an animal for the purpose of impounding it;
- (c) unlawfully impounds an animal; or
- (d) contravenes any provision of this by-law,

is guilty of an offence and is liable on conviction to—

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

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

Schedules 1 and 2 to this by-law form part of this by-law for all purposes.

30. Appeal

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

31. Repeal of existing By-laws

The George Municipality By-law Relating to the Impoundment of Animals promulgated in provincial Gazette 6816 dated 30 November 2010 is hereby repealed.

32. Short title and commencement

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

SCHEDULE 1

Code of Good Practice on the Handling and Transportation of Impounded Animals (Section 5(4))

PART I

Paddock requirements

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

PART II:

Handling of animals

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

13. Electric prodders, sticks or goads may not be used on young calves.
14. Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III:

Movement of animals

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

PART IV:

Vehicles used in transporting animals

22. Vehicles and all trailers used in the transport of hoofed animals must be suitable for the transport of such animals and in a roadworthy condition.
23. All vehicles and trailers referred to in item 22 must have—
 - (a) a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
 - (b) adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
 - (c) adequate protection from exhaust gasses, as exposure to exhaust fumes could interfere with the animals' respiration or cause distress;
 - (d) sidewalls high enough to prevent animals from escaping or falling out of the vehicle: Provided that—
 - (i) the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;

- (ii) in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
 - (iii) the minimum height must be 750 millimetres in the case of any smaller animals;
 - (e) in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the largest animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
 - (f) floors that are solid and impervious;
 - (g) loading and offloading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
 - (h) gates, with or without partitions—
 - (i) of a design and construction strong enough and suitable for the conveyance of the intended consignment; and
 - (ii) that open and close freely and are able to be well-secured.
- 24.** The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport, and the recommended floor space per animal is—
- (a) 1,4 square metres per large animal; and
 - (b) 0,5 square metre per small animal.

PART V:

Watering and feeding of live animals prior to loading

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

PART VI:

Loading and off-loading procedure

- 26.** Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and with-out undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
- 27.** No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
- 28.** No animals may be loaded or off-loaded otherwise than—
- (a) by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
 - (b) at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.
- 29.** Where a truck is equipped with an onboard removable loading ramp it must have a non-slip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.
- 30.** Ramps must be correctly adjusted to the exact height of the vehicle's floor.
- 31.** Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.

32. Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.
33. Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.
34. Adult horned cattle may not be transported with polled cattle and they must also be penned separately.
35. When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
36. In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and off-spring from being trampled or otherwise injured or harassed by other animals.
37. In the event of—
 - (a) a breakdown of the transport vehicle;
 - (b) an accident or collision in which the transport vehicle is involved; or
 - (c) injury to, or death of, any animal in transit,

the carrier must immediately report the details to, and request assistance from—

- (i) in the case of paragraph (a), a breakdown service;
- (ii) in the case of paragraph (b), the South African Police and the traffic authorities; or
- (iii) in the case of paragraph (c), a veterinarian.

PART VII: Restraining of animals during transportation

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

SCHEDULE 2

Pound register information

(Section 12)

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

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

CEMETERIES AND CREMATORIA BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the Cemeteries and Crematoria By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

CEMETERIES AND CREMATORIA BY-LAW

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1. Interpretation

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

“**adult**” means a deceased person over the age of 16 years, and where the word is used to define a corpse, a deceased person whose coffin will fit into the grave opening prescribed for adults in section 15;

“**aesthetic section**” means a section of a cemetery which has been set aside by the municipality wherein only headstones may be erected;

“**approved**” means approved by the municipality;

- “**ashes**” means the cremated remains of a corpse;
- “**berm**” means a concrete base laid at the head of a grave and on which a memorial is erected;
- “**burial**” means interment in earth, a sepulchre or tomb;
- “**burial order**” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- “**caretaker**” means the official whom the municipality appoints from time to time in a supervisory capacity with regard to a cemetery or crematorium or his or her delegate;
- “**cemetery**” means a land or part of a land within the municipal area set aside by the municipality for the interment of corpses;
- “**ceremony**” means any ceremony relating to the interment of a corpse; “**child**” means a person who is not an adult, and where the word is used to define a corpse, means a deceased person whose coffin will fit into the grave opening prescribed for children in section 18, and includes the corpse of a stillborn child and a foetus;
- “**columbarium**” means a the place set aside in the basement of a crematorium or chapel containing rows of niches for the purpose of placing receptacles containing the ashes of cremated corpses therein;
- “**corpse**” means the remains of a deceased person and includes a still-born child and foetus;
- “**cremation**” means the process whereby a corpse is disposed of by fire or by any other means that yields a comparable result; “**crematorium**” means a place where corpses are cremated;
- “**cremated remains**” means all recoverable ashes after the cremation;
- “**exhumation**” means the removal of a corpse from its grave ; “**Garden of Remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work or a wall of remembrance;
- “**grave**” means a piece of land, within a cemetery or heritage site, excavated for the burial of a corpse and includes the headstone, number or marker of and a structure on or associated with the grave;
- “**Heroes Acre**” means an area of land set aside for the burial of a military hero;
- “**interment**” means any method used for disposing of a corpse;
- “**memorial section**” means a section of a cemetery set aside for the erection of memorials;
- “**memorial work**” means any headstone, monument, plaque, other work or object, erected or intended to be erected in a cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;
- “**municipality**” means the George Municipality duly established in terms of section 12 of the Municipal Structures act, 117 of 1998 and includes any political structure, political office-bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof, acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such political structure, political office bearer, agent or employee;
- “**niche**” means a compartment in a columbarium or wall of remembrance for the placing of ashes;

“nuisance” means any act or omission or condition which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely effects the safety of people;

“open section” means a section in a cemetery set aside by the municipality where memorial work may be erected at a later stage at the prescribed fee;

“prescribed” means prescribed by the municipality;

“prescribed fee” means a fee set by the municipality in terms of its Customer Care and Revenue Management By-law;

“private cemetery” means a cemetery which is used as a cemetery but which has not been set aside as such by the municipality;

“tomb” means an above-ground burial vault;

“wall of remembrance” means a structure in a cemetery which contains niches in which urns containing ashes can be stored.

2. Principles and objectives

The purpose of this by-law is to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a corpse by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

CHAPTER 1: ESTABLISHMENT AND MAINTENANCE OF CEMETERIES

3. Establishment and maintenance of cemeteries

- (1) The municipality may set apart any piece of land within its area of jurisdiction for the purposes of a cemetery and is responsible for the general maintenance of such cemetery.
- (2) The municipality may, within such a cemetery, provide separate areas for exclusive use by different religious or cultural groups, taking into consideration the customs or religious conventions of such groups.
- (3) The establishment of a cemetery as contemplated in subsection (1) must be preceded by a process of public participation and the submission of a geotechnical report.
- (4) Notwithstanding the provisions of subsection (1), the responsibility for the maintenance of the areas contemplated in subsection (2) rests with the group to which exclusive use was granted.
- (5) The municipality shall not be liable for any loss or damage to any memorial stone, monument or any article placed upon any grave plot which may occur at any time from any cause whatsoever, nor for any compensation in respect of any memorial stone or monument damaged.

4. Alternatives to burial

The municipality may, if compelled to do so by environmental considerations, or the shortage of land for burial purposes, and subject to the provisions of any other law regarding the rights of a person, request that a corpse be disposed of by any other accepted method other than burial.

CHAPTER 2: GENERAL PROVISIONS RELATING TO PLACES OF INTERMENT

5. Appointment of caretaker

- (1) The municipality may appoint a caretaker for each place of interment or crematorium to control and administer the place of interment.
- (2) The caretaker must take into account the customs of the deceased person and the people responsible for the interment and must accommodate these within the framework of this by-law.

6. Hours of admission for public

- (1) Places of interment are normally open to the public during the hours determined by the municipality, but if it is in the interest of the public, the municipality may close a place of interment or part thereof for such periods as may be necessary.
- (2) No person, excluding workers or persons with permission, may be in or remain in a place of interment before or after the hours mentioned in subsection (1) or during a period when it is closed to the public.
- (3) The municipality must display the hours that every place of interment is open to the public on a notice board that must place at each entrance to the place of interment.

7. Keeping to paths

Except for purposes permitted by this by-law, a person may only use a path provided in the place of interment, and failure to do so constitutes an offence.

8. Prohibited conduct

- (1) No person may in a place of interment:
 - (a) commit or cause a nuisance;
 - (b) ride an animal or cycle except with the approval of the caretaker;

- (c) with the exception of a blind person making use of a guide dog, bring into or allow an animal to wander inside such cemetery;
 - (d) plant, uproot, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
 - (e) hold or take part in a demonstration;
 - (f) interrupt a funeral or an official or workman employed by the municipality during the performance of his or her duties;
 - (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled to make under this by-law;
 - (h) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection;
 - (i) use water for any form of gardening without the permission of the caretaker;
 - (j) leave or dump any rubbish, soil, stone, debris or litter;
 - (k) in any way damage, destroy or deface a grave, memorial, wall, building, fence, railing, path or other construction or any part thereof;
 - (l) solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement;
 - (m) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
 - (n) enter an office, building or fenced place except in connection with lawful business;
 - (o) expose a corpse or a part thereof;
 - (p) exceed the prescribed speed limit of 20 km per hour;
 - (q) allow or cause any animal to enter, with the exception of a caretaker living on site and who is keeping pets with the prior approval of the municipality;
 - (r) bring in any alcohol or consume any alcohol;
 - (s) be in possession of any fire arms or traditional weapons except in the case of a police or military funeral;
 - (t) overnight; or
 - (u) erect any shelter.
- (2) A person who contravenes any of the provisions of subsection (1) commits an offence.
- (3) The municipality may impound an animal found in any place of interment.

9. Right of interest in ground

- (1) No person shall acquire any right to or interest in any ground or grave in a cemetery other than such rights or interests as may be obtainable under this by-law.

- (2) The municipality may, subject to the provisions of section 17, and on payment of the prescribed fee, reserve a grave plot in a cemetery.

CHAPTER 3: GENERAL PROVISIONS RELATING TO INTERMENT

10. Consent required

- (1) No person may dispose of a corpse in any other manner than that prescribed by the municipality, and a person who wishes to dispose of a corpse must obtain the written consent of the municipality and must comply with any requirements set by the municipality.
- (2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the caretaker an application in writing together with:
 - (a) proof of payment of the prescribed fee;
 - (b) a death certificate;
 - (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992; and
 - (d) if the application relates to a corpse in which was inserted radioactive material or a pacemaker, a statement indicating whether the said material or pacemaker was removed from the corpse and the caretaker may not approve the application unless all of the above requirements are met.
- (3) An application must be submitted to the caretaker, in respect of:
 - (a) an interment allowing sufficient time to prepare the place of interment; and
 - (b) practices that need to be adhered to by certain religious groups other than those prescribed by this by-law.
- (4) Should any alteration be made in the day or hour previously fixed for an interment, or an interment be cancelled, in the instance where the municipality is responsible for the digging of a grave, notice of the alteration must be given to the caretaker at least eight hours before the time fixed for the interment, and no refund will be made on monies paid in respect of the opening of an existing grave.
- (5) An application contemplated in subsection (2) must be signed by a surviving relative of the deceased person; however, if the caretaker is satisfied that the signature of a surviving relative cannot be obtained timeously, or for any other valid reason, he or she may, in his or her discretion, grant an application signed by any other interested person

- (6) The municipality reserves the right to:
 - (a) inspect the contents of a coffin before interment; and
 - (b) decide which method of interment may be used.
- (7) The municipality may refuse a person, including a funeral undertaker, to inter a corpse if documentation required by the municipality has not been submitted.

11. Interment times

- (1) An interment may take place during the times determined by the municipality.
- (2) A person contemplated in section 10(2) will be allocated an interment time by the caretaker, and interments that are not undertaken within the times allocated will result in such interment being postponed until such time as an interment time is available without inconveniencing other interments taking place within the time allocated.
- (3) Despite the provisions of subsection (1), the caretaker to whom an application is made may, in the case of emergency, permit interment outside the times contemplated in subsection (1), in which case an additional fee as prescribed by the municipality from time to time is payable.
- (4) A person who interments a corpse in contravention of the provisions of subsection (1) or (2) commits an offence.

12. Register

The caretaker must keep a record of all interments, and the record must contain:

- (a) The particulars of the person who requested the interment;
- (b) the particulars of the deceased person whose corpse is to be interred, such as the name, address, and identification number;
- (c) the date of the interment; and
- (d) the number of the grave in which the corpse is interred.

13. Interment of destitute persons

- (1) The removal and interment of a destitute person who has died within the area of jurisdiction of the municipality is the responsibility of the municipality if the destitute person's corpse has not been claimed by a competent person.
- (2) Any unclaimed bodies or unidentified human remains must be buried or cremated by the municipality in accordance with the provisions of Regulations 16(2) and

(17(1) of the Regulations regarding the rendering of Forensic Pathology Services published in Government notice no R 359 of 23 March 2018.

- (3) The corpses of more than one destitute person may be buried in one grave.
- (4) Where a corpse contemplated in subsection (2) is cremated, the caretaker of the crematorium must retain the ashes, and should the ashes not be claimed, such caretaker must bury the ashes in an area set aside for that purpose.

14. Number of corpses in one coffin

- (1) Subject to the provisions of subsection (2) and section 13(3), only one corpse may be contained in a coffin.
- (2) More than one corpse may be contained in one coffin if the consent of the caretaker has been obtained and the prescribed fee have been paid, in the case of :
 - (a) a mother and child who died during childbirth;
or
 - (b) family members who:
 - (i) died together; or
 - (ii) died a short while after each other, and the interment of the first dying member has not yet taken place.
- (3) A person who contravenes a provision of subsection (1) or who fails to obtain the consent as contemplated in subsection (2) commits an offence.

CHAPTER 4: BURIAL

15. Dimensions of graves

- (1) The standard dimensions of a grave for an adult person are as follows: Length: 2200 mm; Width: 900 mm; Depth: 2000mm.
- (2) Any person requiring a grave of a size larger than the standard dimensions must, when submitting an application in terms of section 10, specify the measurements of the coffin, and pay the charges fee prescribed by the municipality from time to time for the enlarging of a grave.
- (3) A person who digs a grave in contravention of the dimensions stipulated in subsection (1) commits an offence.

- (4) The person who arranged the interment must take all reasonable steps to ensure that no damage occurs to surrounding property during the interment ceremony, including any collapse of grave walls, and the steps to prevent such collapse.

16. Burial

- (1) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin, may not be less than 1200 mm from the natural ground level.
- (2) A person responsible for the burial must ensure that surrounding property is not damaged and must prevent graves from caving in.
- (3) Soil mounds on a grave may be removed by the municipality one month after the burial.
- (4) On completion of a burial, it is the duty of the undertakers, or the person who dug the grave, to clear the surrounding areas (pathways and graves) of all soil, debris, etc.
- (5) A person, who buries a coffin in contravention of the provisions of subsection (1) or who contravenes subsections (2) or (4) commits an offence.

17. Reservation of grave plots

- (1) A person desiring to reserve the use of a grave plot must submit an application to the caretaker and must pay the prescribed fee.
- (2) A restriction is placed on the reservation of grave plots, and reservations shall only be accepted for adult grave plots in the monumental section as set out in subsection (3).
- (3) Only one adjoining grave plot may be reserved for a surviving family member for a period of 20 years, against payment of the fee prescribed by the municipality, subject to the provisions of section 20, and no refund will be considered if the right provided by the reservation is not exercised.
- (4) Where another person, other than the applicant, has mistakenly used a grave, the caretaker must allocate another grave within the cemetery to the applicant.

18. Child's grave

The dimensions of a child's grave will be the same as that of an adult and more than one child may be interred in the same grave, provided that there is at least 200 millimetres of soil between the coffins and provided further that there is at least 1200 millimetres of soil between the top coffin and the natural ground level

19. Construction material of coffin

- (1) A coffin interred in a grave must be constructed of bio-degradable material.
- (2) A person who interrs a coffin in contravention of subsection (1) commits an offence.

20. Number of bodies in one grave

Subject to the provisions of sections 14(2), 16(1) and 18, more than one corpse may be interred in a single grave.

21. Hearse and vehicle at cemetery

- (1) No hearse or other vehicle may enter a cemetery without the prior permission of the caretaker.
- (2) No hearse or other vehicle may use any other route to enter a cemetery than the routes set aside for that purpose.
- (3) Any person who contravenes subsection (1) and (2) will be subject to a fine determined by the Municipality and will be liable to repair any damage to paths or graves.

22. Music inside cemetery

Only sacred singing is allowed in a cemetery, except in the case of a police or military funeral, in which case the prior permission of the caretaker must be obtained.

23. Number on grave

No person may bury a corpse in a grave on which a peg marked with the number of the grave has not been fixed.

CHAPTER 5: EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE

24 Disturbance of mortal remains

- (1) Subject to permission from the municipality, or the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act 58 of 1959) or any other provision of any Act relating to the exhumation of corpses, no person may without an Environmental Health Practitioner being present:
 - (a) disturb a corpse or mortal remains or ground surrounding it in a cemetery; or
 - (b) remove a corpse from a grave.

- (2) Any person requesting for a corpse to be exhumed or a grave to be opened must provide the municipality with an affidavit certifying that he or she has the authority to do so, and such an affidavit must be accompanied by any supporting documentation that may be required in terms of any Act relating to the exhumation of corpses.
- (3) The prescribed fee for exhumation must be paid to the municipality at least two days before the date fixed for the exhumation or removal of the corpse.
- (4) A person who contravenes the provisions of subsection (1) commits an offence.

25. Time of exhumation

No person may exhume or cause a corpse to be exhumed at any other time than that specified by the municipality.

26. Re-opening of grave

- (1) No person may re-open a grave for the purpose of interring a second corpse in the same grave without permission of the municipality.
- (2) When considering an application contemplated in subsection (1), the municipality may impose such conditions it may deem necessary.
- (3) The municipality may re-open a grave for the purpose of establishing the identity of the corpse.
- (4) In the event of a police investigation, a corpse may be exhumed on receipt of a written request from the investigating officer, provided that the provisions of the Inquests Act, 1959 (Act 58 of 1959) have been complied with.
- (5) A person who contravenes subsection (1) or any condition imposed in terms of subsection (2) commits an offence.

CHAPTER 6: CARE OF GRAVES

27. Shrubs and flowers

The municipality may, at any time, prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

28. Care of grave

- (1) The maintenance of a grave is the responsibility of the person contemplated in section 10(1).

- (2) The municipality may, on application by a person contemplated in section 10(1), and upon payment of a fee prescribed by the municipality, undertake to keep any grave in order for any period.

CHAPTER 7: CREMATION

29. Receptacles and ashes

- (1) Unless the ashes are to be buried by the municipality, the person contemplated in section 10(1) must provide a receptacle, on which the full name of the deceased person is indicated, for receiving the ashes.
- (2) The quantity of ashes to be kept, as indicated on the application form by the person contemplated in subsection (1) must, after the cremation, be collected by him or her, and should he or she fail to collect the ashes, the ashes will be dealt with in terms of section 30(1)
- (3) Where a receptacle is intended to be placed in a niche in the columbarium
 - (a) it must:
 - (i) be made of wood or stone; and
 - (ii) be of a size and design as to fit into the niche; and
 - (b) if the niche is not meant to be sealed, have affixed to it a plate on which the full name of the deceased person is inscribed.

30. Burial and exhumation of ashes

- (1) In the absence of an arrangement between the caretaker and the person contemplated in section 29 regarding the ashes, the caretaker may bury or scatter the ashes in a garden of remembrance, where such a facility is available.
- (2) A person may deposit ashes in a
 - (a) grave; or
 - (b) niche in a –
 - (i) columbarium;
 - (ii) wall of remembrance; or
 - (iii) memorial work.

- (3) A person must obtain the consent of the caretaker and an immediate family member, if the applicant is not an immediate family member, if he or she wishes to:

- (a) bury ashes in a grave;
- (b) exhume ashes from a grave; or
- (c) scatter ashes,

and the caretaker must, on receiving payment of the prescribed fee:

- (i) give written consent to the applicant to bury, exhume or scatter the ashes; and
- (ii) in the instance of burial or exhumation, prepare the grave

for burial or exhumation.

- (4) A grave for the burial of ashes or a niche in a columbarium must measure 1200 mm in length, 1000mm in width and 450mm in depth.

31. Cremation certificate

- (1) On completion of a cremation, the caretaker must supply a cremation certificate to the person contemplated in section 29(1).
- (2) The caretaker must, on application and after receipt of the prescribed fee, issue a duplicate cremation certificate to a person.

CHAPTER 8: ERECTION AND MAINTENANCE OF MEMORIAL WORK

32. Consent of municipality

- (1) No person may bring any memorial work into a cemetery or erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon without the written consent of the municipality.
- (2) When erecting a memorial work, the following must be submitted:
 - (a) a plan which gives an indication of the measurements and the position;
 - (b) specification of the material of which the memorial work is to be constructed; and
 - (c) the wording of the epitaph.
- (3) The plan must be submitted 30 days before the erection commences, and the municipality may impose such conditions as it deems necessary.

- (4) No person may bring into a cemetery any material for the purpose of constructing therewith any memorial work on any grave unless:
 - (a) the provisions of subsection (1) to (3) have been complied with; and
 - (b) proof of payment in respect of work to be carried out has been submitted.
- (5) The municipality's consent of the proposed work is valid for six months only, and in the event of the memorial work not being erected within the prescribed time, a new application must be submitted.
- (6) The grave number must be indicated, in a workmanlike manner, in figures 30 mm in size.
- (7) A person who contravenes a provision of subsection (1), (4)(a) or (6) commits an offence

33. Requirements for erection of memorial work

- (1) A person erecting a memorial work must comply with the following:
 - (a) he or she must be in possession of a plan approved by the municipality;
 - (b) all work must be effected according to the conditions contemplated in section 32(3);
 - (c) proceedings must be of such a nature that no damage be caused to any structure or offence given;
 - (d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900 mm in length, 250 mm in width and 250 mm in height for a single grave, and not more than 2700 mm in length, 250 mm in width, and 250 mm in height for a double grave;
 - (e) with the next of kin's permission, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
 - (f) tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal;
 - (g) all unused material, after the completion of the work, must be removed, the adjoining areas are to be left neat and clean and any damage caused must be repaired at the cost of the person responsible for such damage and should the responsible person fail to effect such repair, after due notice, the municipality will undertake the remedial work at the cost of the person who erected the memorial work.
- (2) A person who does not comply with a provision in subsection (1) commits an offence.

34. Position, movement and removal of memorial work

- (1) No person may erect a memorial work on a grave before the position in which such memorial work is to be placed has been indicated by the municipality.
- (2) Should the condition of subsection (1) not be complied with, the municipality has the right to alter the position of the memorial work and to recover the costs of the alteration from the person who erected the memorial work.
- (3) In the instance where a memorial work has originally been placed in a certain position with the express consent of the municipality, any alteration of the position in terms of the provisions of this section is executed at the expense of the municipality.
- (4) A memorial work placed, erected, constructed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of this by-law are contravened thereby, may be removed, after due notice, by the municipality at the cost of the person who erected the memorial work, without payment of any compensation.

35. Repairs to memorial work

- (1) Should the person who erected a memorial work allow such memorial work to fall into such a state of disrepair that it may cause danger or deface the cemetery, the municipality may cause a notice of compliance, as contemplated in section 56, to be served on such a person.
- (2) If the person contemplated in subsection (1) fails to comply with the notice of compliance, the municipality may demolish or remove the memorial work and recover the cost for demolition or removal from the person served with the notice of compliance.
- (3) If the person contemplated in subsection (1) cannot be traced, the municipality may demolish or remove the memorial work.

36. Supervision of work

A person engaged upon any work in a cemetery must affect the work under the supervision of the caretaker, and failure to do so constitutes an offence.

37. Conveying of memorial work

No person may convey any stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck, which may cause damage to the paths or grounds or structures of the cemetery.

38. Vehicle and tools

Every person engaged in work upon a grave or plot must ensure that the vehicles, tools or appliances be of such a kind as not to contravene this bylaw and by no means block any road or roads.

39. Times for bringing in material and doing work

- (1) No person may bring memorial work or material into or do any work, other than the dismantling of memorial work for burial purposes, within a cemetery except during official working hours of the municipal employees on Mondays to Fridays.
- (2) No person may engage in work which may disturb a funeral in progress and for the duration of the funeral.

40. Production of written permission

A person charged with a work or on his or her way to or from work within the cemetery must, upon demand from the municipality, produce the written consent issued to him or her in terms of section 32.

41. Memorial work in crematorium

- (1) Unless a corpse was cremated in the crematorium, or a cremation certificate issued by another crematorium is submitted, no person may, without the prior consent of the caretaker, erect a memorial work in a crematorium.
- (2) A memorial work
 - (a) if erected in a Garden of Remembrance:
 - (i) must be made of marble or granite; and
 - (ii) may not exceed a size of 250 mm in width, 305 mm in length, and 25 mm in thickness;
 - (b) if intended to seal a niche, must conform in size and material to the memorial work next to it and may have a photograph of the deceased person affixed to it; or
 - (c) erected on a grave, may not exceed 1,2 m in height, 610 mm in length, and 610 mm in width.

42. Commonwealth War Graves

The graves of people who fell in conflict, whose graves are cared for or maintained by the Commonwealth War Graves Commission in terms of the Commonwealth War Graves Act, 1992, (Act 8 of 1992), or the South African Heritage Resources Agency in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999), or by any other recognised body, or by any foreign government, may, on application to the municipality, be exempted from the requirements of this chapter.

CHAPTER 9: SECTIONS IN CEMETERIES

43. Municipality may establish sections

- (1) The municipality may establish one or more of the following sections in a cemetery:
 - (a) memorial section;
 - (b) open section;
 - (c) aesthetic section
 - (d) berm section.
 - (e) hero's acre; and
 - (f) garden of remembrance

44. Memorial section

- (1) Memorial work may be erected upon the whole surface of a grave subject to the provisions of section 33 and provided that the following measurements may not be exceeded:
 - (a) Height: 2000 mm.
 - (b) Width: 900 mm in case of a single grave, and 700 mm in case of a double grave.
 - (c) Thickness: 250 mm.
- (2) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been levelled.
- (3) A person commits an offence if he or she:
 - (a) exceeds the measurements stipulated in subsection (1);
or
 - (b) contravenes section (2).

45. Open section

This section allows for the purchase of the grave only, and at a later stage may request permission to erect memorial work on payment of the prescribed fee.

46. Aesthetic section

- (1) Only a headstone may be erected, and a slab may not be erected on, and a kerb may not be erected around a grave.
- (2) The dimensions of a headstone are as follows:
 - (a) Adult's grave:
 - (i) Single grave: 900 mm in length by 260 mm in width.
 - (ii) Double grave: 2200 mm in length by 260 mm in width.
 - (b) Child's grave:
 - (i) Single grave: 610 mm in length by 260 mm in width.
 - (ii) Double grave: 1200 mm in length by 260 mm in width.
- (3) No headstone may exceed a height of 1500 mm above the berm.
- (4) A person who contravenes a provision of this section commits an offence.

47. Berm section

- (1) A concrete base is laid at the head of a grave and on which a memorial is erected;
- (2) The following measurements must be adhered to:
 - (a) base not to exceed 1200mm wide and 250mm deep
 - (b) horizontally on ground level; and
 - (c) on a concrete foundation.
- (3) A person who contravenes a provision of subsection (2) commits an offence.

48. Garden of Remembrance

- (1) This section contains the wall of remembrance with niches, and a garden area in which plaques can be erected.
- (2) A container intended to be placed in a niche may not exceed 300 mm x 150 mm x 150 mm in size.
- (3) Flowers and wreaths may only be placed on the places provided for them.

49. Heroes' Acre

- (1) A Heroes' Acre consists of a structure erected for the purpose and contains no corpse but is a memorial only.
- (2) No person may erect such structure without the written approval of the municipality and the municipality decides upon the merits of such matters.
- (3) The size of the structure must be 500 mm x 350 mm and must be manufactured from a non-corrodible metal or masonry upon which, *inter alia*, the contribution made by the person in question is mentioned.
- (4) A person who interrs a corpse in contravention of subsection (1) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

CHAPTER 10: PRIVATE CEMETERIES**50. By-laws apply**

The provisions of this by-law apply, *mutatis mutandis*, to private cemeteries.

51. Establishment and continued use of cemeteries

- (1) No person may, without the municipality's prior consent, establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the municipality, continue to use the existing cemetery for burial purposes.
- (2) A person who wishes to apply for the municipality's consent to establish a cemetery or use a cemetery as contemplated in subsection (1), must submit to the municipality a written application, together with:
 - (a) a locality plan to a scale of not less than 1:10 000 which shows:
 - (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated, as the case may be;
 - (ii) the registered description of the site; and
 - (iii) all streets, public places and privately-owned property within a distance of 100 metres of the site;
 - (b) a "block" plan to a scale of not less than 1: 500 showing the position of external boundaries, internal roads and paths, subdivisions, grave sites, drainage and any buildings existing or proposed to be erected;

- (c) a plan and sections to a scale of not less than 1: 100 of any building existing or proposed to be erected, and which must, in this case, conform with the National Building Regulations and the Water Services and Sanitation By-laws of the municipality;
 - (d) a list of registers or records kept or proposed to be kept with reference to:
 - (i) identification of graves;
 - (ii) sale of grave sites, transfer of grave sites; and
 - (iii) interments;
 - (e) the full name and address of the proprietor;
 - (f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which cemetery is to be established or which is being used as a cemetery, and whether such land is subject to any mortgage or trust; and
 - (g) a schedule of the burial fees proposed to be charged or actually in force.
- (3) On receipt of an application, the municipality must cause to be inserted in one or more newspapers circulating in the municipal area, a notice stating the nature of the application and specifying the date, being not less than 14 days after the date of publication of such notice, by which objections to the granting of an application may be lodged with the municipality.
- (4) The municipality may, upon receipt of the payment of the prescribed fee, and if satisfied, after consideration of the application and any objections which may have been lodged, that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise as a result, grant written consent for the establishment of the proposed private cemetery or the continued use of the private cemetery in accordance with the plans submitted and subject to any variation or amendment, which it may require and to any conditions which it may prescribe.
- (5) No departure from the plans as approved are permitted without the prior approval of the municipality.
- (6) A person who contravenes a provision of subsections (1) or (5) commits an offence.

52. Duties of proprietors

- (1) The proprietor of a private cemetery for which the consent of the municipality has been obtained must:
- (a) comply with:
 - (i) any special conditions prescribed by the municipality; and
 - (ii) the relevant provisions of this by-law and any other applicable law;

- (b) keep a record which shows:
 - (i) the number of each grave site and the ownership of the site; and
 - (ii) the number of interments in each grave site and the name, age, sex, last known address, date and cause of death of the deceased;
 - (c) maintain the grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;
 - (d) provide for the identification of grave sites by subdividing the cemetery into blocks, each containing a number of graves or grave sites, and:
 - (i) each block must be demarcated by means of signs showing the number and situation of each block;
 - (ii) the graves or grave sites in each block must be separately numbered by means of durable number plates; and
 - (iii) all signs and number plates must be maintained in a neat and legible condition;
 - (e) allow an official to enter or inspect the cemetery and all records kept in connection therewith;
 - (f) render a monthly return to the municipal manager on or before the 7th day in each month of all burials, which sets out the:
 - (i) name, last known address, age, sex, date and cause of death of each deceased person interred in the cemetery;
 - (ii) name of the medical practitioner who issued the death certificate;
 - (iii) authority which issued the burial order;
 - (iv) block and grave site number;
 - (v) date of burial; and
 - (vi) particulars of a change in the identity of the caretaker or of a person newly appointment;
 - (g) render an annual return to the municipal manager on or before the 31st day of June each year, which contains a detailed list of the names and addresses of all trustees, committee members or persons controlling the place of interment; and
 - (h) appoint a caretaker to manage the cemetery and to keep the records.
- (2) The owner of a private cemetery or private property may refuse permission to have a corpse interred in the cemetery.
- (3) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 11: DISUSED CEMETERIES

53. Use of disused cemeteries

- (1) Notwithstanding any provision in this by-law, and subject to the provisions of subsection (4), the municipality may use any cemetery or portion thereof, which has been closed or disused for a period of not less than 20 years, and of which

the municipality is the cemetery authority, for such purpose as will not desecrate the ground, any human remains or any memorials in such cemetery.

- (2) The municipality may, subject to the provisions of subsection (4), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage.
- (3) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsection (2) shall thereupon cease.
- (4) Before acting in terms of subsections (1) and (2) the municipality must give notice of its intention to do so in terms of its public participation policy.

CHAPTER 12: MISCELLANEOUS

54. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication must be signed by the municipality.
- (2) Any notice or other document that is served on a person in terms of this by-law, is regarded as having been served when it is served in accordance with section 115(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (3) Service of a copy shall be deemed to be service of the original.
- (4) 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.

55. Notice of compliance and representations

- (1) A notice of compliance must state:
 - (a) the name and residential and postal address, if either or both of these be known, of the person;
 - (b) the nature of the state of disrepair;
 - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
 - (d) that the person must, within a specified time period, take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
 - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;

- (f) that written representations, as contemplated in subsection (3), may, within the time period stipulated under paragraph (d) above, be made to municipality at a specified place.
- (2) The municipality, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to:
- (a) the principles and objectives of this by-law;
 - (b) the state of disrepair;
 - (c) any measures proposed by the person on whom measures are to be imposed; and
 - (d) any other relevant factors.
- (3) A person may, within the time period contemplated in paragraph (1)(f), make representations, in the form of a sworn statement or affirmation to municipality at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the municipality condones the late lodging of the representations.
- (5) The municipality must consider the representations and any response thereto by an authorised official or any other person, if there be such a response.
- (6) The municipality may, on its own volition, conduct any further investigations to verify the facts, if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the municipality must also consider the further response.
- (7) The municipality must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must:
- (a) set out the findings of the municipality;
 - (b) confirm, alter or set aside in whole, or in part, the notice of compliance; and
 - (c) specify a period within which the person must comply with the order made by the municipality.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the municipality will inform the person that he or she:
- (a) must discharge the obligations set out in the notice; or
 - (b) may elect to be tried in court.

(10) If the person elects to be tried in court, he or she must, within seven calendar days, notify the municipality of his or her intention to be so tried.

(11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time, discharge his or her obligations under the order.

56. Costs

Should a person fail to take the measures required of him or her by notice, the municipality may recover from such person all costs incurred as a result of it acting in terms of section 56.

57. Appeal

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

58. Charges

Should a person fail to pay a prescribed fee, the municipality may act in accordance with the provisions of its relevant Policies in this regard.

59. Penalties

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

60. Exemptions

(1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.

(2) The municipality may:

(a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;

- (b) alter or cancel any exemption or condition in an exemption;
or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2); however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

61. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of developing and maintaining cemeteries and crematoria and promoting the achievement of a healthy environment.
- (2) A liaison forum may consist of:
- (a) a member or members of an interest group, or an affected person;
 - (b) a member or members of a community in whose immediate area a cemetery or crematorium exists;
 - (c) a designated official or officials of the municipality; and
 - (d) the councillor responsible for cemeteries.
- (3) (a) The municipality may, when considering an application for consent, permit or exemption certificate in terms of this by-law, request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on their own initiative, submit an input to the municipality for consideration.

62. Revocation of by-laws

The George Municipality Cemeteries and Crematoria By-laws promulgated in Provincial Gazette 6816 dated 30 November 2010 is hereby repealed.

63. Short title and commencement

This by-law may be cited as the George Municipality Cemeteries and Crematoria By-law, and commences on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY

BY-LAW RELATING TO THE REGULATING OF THE KEEPING OF DOGS, CATS AND OTHER ANIMALS

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the By-Law Relating to the Regulating of the Keeping of Dogs, Cats and Other Animals set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

BY-LAW RELATING TO THE REGULATING OF THE KEEPING OF DOGS, CATS AND OTHER ANIMALS

To provide for the control over the number of dogs and cats that may be kept, the breeding with dogs and cats, control over dogs and cats and other animals by their owners, impoundment of stray dogs and cats and other animals, the prevention of nuisances and to provide for incidental matters.

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the George Municipality enacts as follows:-

1. INTERPRETATION

1.1 Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

“adjoining and affected neighbour” means a neighbour whose property directly abuts the common boundary of the applicant’s premises or which is located opposite or diagonally opposite the applicant’s premises;

“agricultural property” means land zoned for agricultural use in terms of any of the Municipality’s town planning schemes or any other related law;

“animal” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile (including snakes and tarantulas), pet-pigs dog, cat or other domestic animal, indigenous animal and other wild or exotic animal, but for the purposes of Chapter seven, excludes dogs, cats and working equines to the extent that they are regulated separately in other Chapters;

“animal drawn vehicle” means a standard designed cart with swivel and shafts which is attached to the working equine by means of a harness;

“applicant” means the owner or person having possession, charge, custody or control of that dog, cat or working equine;

“authorised official” means an officer authorised in terms of section 8 of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Council who has been authorised by the Council to enforce the provisions of this By-Law;

“authorised person” means an employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-law, or exercise any power in terms of this By-law; and **“officer”** and **“authorised official”** has a corresponding meaning;

“building”, whether temporary or permanent nature and irrespective of the material used;

“carcass” means the remains of any animal or poultry;

“cat” means both a male and a female cat of any age, unless otherwise specified;

“cattery” means premises in or upon which boarding facilities for cats are provided and/or cats are bred for commercial purposes;\

“Council” means the municipal council of the Municipality;

“Director: Community Services” means a person appointed in the position by the Council in terms of Section 56 of the Municipal Systems Act, and includes a person acting in such a position.

“designated public area” means an area which will be identified by the Municipality, where owners / dog handlers and their dogs, taking into consideration the restrictions on vicious dogs, can walk their dogs;

“dog” means both a dog and a bitch of any age, unless otherwise specified;

“dog handler” means a competent adult who is in a position or capable in handling and / or control a vicious dog who is muzzled;

“duplex building” means a building of two storeys above ground level with a number of residential units, each of which also is two storied and has its own entrance from the street;

“duplex flat” means a block of flats where the division between the dwelling unit is vertical, having a maximum height of two storeys;

“Flats” means a building containing three or more dwelling units for human habitation, together with such outbuildings as are ordinarily used therewith;

“guide dog” means a dog which has been trained by a recognised facility to assist a blind or poor-sighted person and includes a service dog which has been trained to assist a person who is mentally or physically incapacitated;

“health nuisance” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practise whatsoever, is /are in the opinion of the Director: Community Services or a duly authorised Municipal employee potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“keep” in relation to a dog, means to have such dog in possession, under control or in custody or to harbour such dog;

“kennels” means premises in or upon which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes;
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d) dogs are kept for commercial security purposes;

“Municipality” means the Municipality of George established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent, service provider or employee;

“muzzled”, when describing a dog, means fastened or controlled around the mouth, with an appropriate standard muzzle, so as to prevent the dog from biting but not panting or drinking;

“nuisance” means any act or omission which is offensive or dangerous, or which materially interferes with the ordinary comfort, convenience, peace or quiet of other people or which adversely affects the safety of people;

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

“permit” means the written permission granted by the Municipality in terms of this By-law, subject to a fee payable according to the municipal tariff structure;

“person” includes any sphere of government, natural and juristic person;

“pet parlour” means an establishment where pets are groomed;

“pet shop” means an establishment where pets are kept for trading purposes;

“premises” means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries;

“poultry” means any fowl, including goose, ostrich, duck, pigeon, dove, turkey, guinea-fowl, parrot, peacock/pea-hen or any other bird whether domesticated or wild;

“pound” means a pound established by the municipality in terms of its By-law relating to the Impoundment of Animals.

“pound master” means a person who has been appointed by the Council to be in charge of a pound;

“public place” means any road, street, thoroughfare, bridge, trail, pavement, alley, square, open place, garden, park, beach, school or open space in the area of jurisdiction of the Municipality to which the public has free access or at any time zoned or been declared or rendered such by any competent authority;

“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 object belonging to such road, street or thoroughfare, footpath or side walk; 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.

“security dog” means any dog kept at any time on a non-residential property for the purposes of dissuading unauthorised entry to the property.

“SPCA” means the Society for the Prevention of Cruelty to Animals;

“structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry;

“townhouse” means a dwelling unit which forms part of a town housing scheme;

“town housing” means a row or group of linked and/or attached dwelling units planned, designed and built as a harmonious architectural entity, of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided;

“trespasser” means a person who enters the dwelling or property of another against the latter’s will and/or permission.

“vicious dogs”, means

- (a) a dog that without provocation has bitten or caused injury to a human being or to a domestic animal, but does not include a dog that has bitten or injured a trespasser; and
- (b) a Staffordshire Bull Terrier, Bull Terrier, Pit Bull and any dog generally recognised as such breeds and includes a dog of mixed breed with predominant characteristics of these breeds;
- (c) any other dog which causes a threat and / or disturbance / nuisance to the public;

“working equine” means a horse, donkey, mule or ass that is used for pulling an animal drawn vehicle (or carrying an unreasonable load) for financial gain

1.2 Administration and enforcement

- (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (a) The Director may delegate in writing any power or duty granted to him in terms of this By-law to a competent official in his Directorate, as well as in conjunction with personnel of the SPCA, being the appointed agent of the Municipality and any other future service providers.

2. APPLICATION

- 2.1 For the purpose of managing, prevention and to reduce the nuisance or negative impacts due to the keeping of dogs and/or cats, the Municipality may determine the number and sex of dogs and/or cats that may be kept and the areas within which the keeping of such dogs and/or cats shall be regulated or prohibited.
- 2.2 The Municipality may by special resolution determine and impose a tax on the keeping of dogs, and categories of dogs of which no tax shall be payable in its Municipal area.
- 2.3 The Municipality shall issue a licence upon payment of the tax to the Municipality. The tariff will be determined in accordance with the Municipality’s Tariff Policy.
- 2.4 The public can report any complaints which is in contravention of this By-law, to the authorised person and/or authorised official as defined in this By-law.

3. NUMBER OF DOGS AND CATS

- 3.1 The maximum number of dogs and cats that are allowed to be kept, depending on the size of the dwelling/property, are as follows:

Type of Property	Size of Property	Maximum Number of Dogs / Cats
Dwelling Unit	E.g. Flat/Duplex	2 Dogs / 2 Cats*
Dwelling House	Less than 600 m ² erf	2 Dogs / 2 Cats*
Large Dwelling House	More than 600 m ² erf	2 Dogs / 2 Cats*
Agricultural Property or smallholding	Land of no less than 2.5 hectares or zoned for Agricultural use	4 Dogs / 4 Cats*

* over the age of four (4) months

- 3.1.1 A person residing in a flat as defined in terms of section 1.1
 - (a) shall not be allowed to own medium / big dogs and/or vicious dogs.

3.1.2 Owners and Body Corporates or Home Owners Associations should comply to this by-law when developing their constitutions.

3.2 The provisions in section 3.1 shall not apply to-

- (a) premises that is used as a veterinary clinic or veterinary hospital;
- (b) an organisation whose object is the training of dogs to be guide dogs for blind persons or dogs that are used by a blind persons as guides;
- (c) a security organisation where dogs are kept for security services or for training purposes;
- (d) a person who, at the proclamation of this by-law, already has more than the allowed number of dogs and such person may not replace any dog exceeding the allowed number without the prior written consent of the Municipality in terms of section 3(1), if such dog die or has been disposed of;
- (e) any person, who resides outside the municipal area, who brings in dogs for a temporary visit not exceeding 30 (thirty) days from time of arrival;
- (f) the Society for the Prevention of Cruelty Against Animals and other registered animal welfare organisations;
- (g) entities which are registered at the Municipality and other related entities, such as dog kennels, pet shops or pet parlours where dogs are given temporary residence.
- (h) working dogs such as hearing dogs, therapy dogs, guide dogs, helping dogs and sport dogs, but that proof of registration with the relevant Association needs to be in place (for example registered by KUSA (Kennel Union of South Africa) Working Dog Federation and SADDA (South African Dog Agility Association)).

4. SPECIFIC REQUIREMENTS WITH REGARDS TO DOGS

4.1 Restriction on number of dogs

4.1.1 The Municipality may determine the number of dogs that may be kept on any premises.

- (a) two dogs, or with permission more than two dogs, over the age of four months, to be kept on premises as identified under section 3;
- (b) four dogs, or with permission more than four dogs, over the age of four months, to be kept on an agricultural property or larger, as identified under section 3;

- (c) more than two dogs if the dogs fall under 3.2(h).

4.1.2 Subsection (1) does not apply to any person who —

- (a) is the holder of a permit issued in terms of section 4.4 to keep a greater number of dogs;
- (b) is the holder of a permit to keep kennels;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
- (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
- (e) is the owner or manager of a veterinary clinic or similar animal hospital, provided they provide proof; or
- (f) is in charge of dogs owned by a SPCA, department of the Municipality as specified in the definition of "Municipality", the South African Police Service or the South African Defence Force, and are kept for operational purposes;
- (g) operates a pound.

4.1.3 A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal, may not keep a dog, unless the Municipality determines otherwise.

4.1.4 In considering an application in terms of 4.1.3, the Municipality will:

- (a) request proof that the applicant has been rehabilitated, i.e. that the person is declared fit to keep a dog; and
- (b) obtain a report from the SPCA, declaring that the person is fit to keep a dog.

4.2 Sterilization of dogs

4.2.1. All dogs (male and female) over 6 months of age must be sterilized;

4.2.2. An authorised official may cause a dog to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the dog
- (b) to prevent nuisance
- (c) when the dog is stray

- (d) on the request of the owner
- (e) in accordance with this by-law and the costs thereof may be recovered from the owner.

4.2.3. The owner of a sterilized dog must obtain proof from a registered veterinarian that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

4.2.4. Subsection (1) does not apply to any dog where the owner obtains a permit from the Municipality to keep the dog unsterilized.

4.3 Permit to keep an unsterilized dog

4.3.1 Any person or breeder wishing to keep an unsterilized dog, with or without the intention to breed, must obtain a permit from the Municipality.

- (a) An application to keep an unsterilized dog, must be in writing on a prescribed form and must be accompanied by the prescribed fee. Any applications in terms of subsection (a) must be submitted-
 - (i) in the prescribed form and must contain an exposition of the breed, gender and number of dogs applied for;
 - (ii) plans and specifications of structures in which it is proposed to keep the dogs;
 - (iii) a site plan indicating all existing or proposed structures and fences on the premises for which the permit is required;
 - (iv) and the written consent of the surrounding neighbours;
 - (v) any other information requested.
 - (vi) proof of registered breeder at KUSA (Kennel Union South Africa) or the specific dog breeds federation
- (b) The Municipality may require a property inspection and payment of the prescribed inspection cost and also require from the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (c) The Municipality may refuse to consider an application if the dog or premises are deemed unsuitable for breeding purposes by the inspecting officials.

- (d) A permit is not transferable from one dog to another or from the premises in respect of which it has been issued, to other premises.
- (e) Permit applications and fees are to be renewed annually.
- (f) Should an unsterilized dog be sterilized by a registered veterinarian during the permit period, proof of sterilization must be submitted to the Municipality together with the original permit.
- (g) The Municipality will be assisted by the SPCA in the administration of processing applications for permits.

4.4 Permits to keep more dogs than the prescribed number

- 4.4.1 Any person or breeder who wants to keep a greater number of dogs on premises than the number permitted in terms of section 3 must apply to the Municipality for a permit which will not be unreasonably withheld.
- 4.4.2 An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by the prescribed fee. The same information as stipulated in 4.3 1(a) must also be submitted.
- 4.4.3 The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- 4.4.4 The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 4.4.5 The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an authorised official-
 - (a) as to whether the number of dogs for which the permit is required is likely to cause a public health hazard or the keeping of such a number of dogs may result in a contravention of section 4.6;
 - (b) setting out the results of an inspection of the premises on which the dogs concerned are being kept or are to be kept; and
 - (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal.

4.4.6 The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Municipality.

4.4.7 In respect of any application approved in terms of subsection (6), an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

4.4.8 A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

4.5 Amendment, suspension and cancellation of permits

The Municipality may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in sections 2 and 4 –

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
 - (i) the creation or continuation of a public health hazard; or
 - (ii) a continued contravention of any provision of section 4.6;
- (b) with immediate effect amend, suspend or cancel that permit if
 - (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
 - (ii) there is a criminal case pending against the permit holder or a civil case in which the permit holder is a party to, involving cruelty to an animal.
- (c) The Municipality will be assisted by the SPCA in the administration of processing applications for permits, all permits will be issued by the Municipality.

4.6 Prohibitions relating to the keeping of dogs

No person shall -

- (a) permit any bitch in season owned or kept by him or her to be in any public street or public place;

- (b) urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening 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) keep any dog which causes damage to public property;
- (d) keep a dog tethered by chain or any other means;
- (e) keep any dog in the faeces of which he or she fails to remove regularly enough to not constitute a health hazard and dispose of such faeces in a suitable manner;
- (f) keep any dog which barks, howls or whines to such an extent that it causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood, or has another habit that causes an unreasonable disturbance or nuisance to inhabitants of the neighbourhood;
- (g) keep any dog which is starved or under-fed or denied constant access to clean water and adequate shelter;
- (h) keep any dog which causes a nuisance to inhabitants of the neighbourhood by having acquired the habit of charging any vehicle, animals, poultry, birds or persons outside any premises where it is kept; or
- (i) permit any dog owned or kept by him or her –
 - (i) to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian or animal welfare society and is no longer a public health hazard;
 - (ii) to go untreated by a qualified veterinarian if severely sick or injured;
 - (iii) which is in the assessment of the authorised official ferocious, vicious or dangerous, to be in any public street or public place, unless it is humanely muzzled and contained on a leash and under control;
 - (iv) to trespass on private property;
 - (v) to constitute a hazard to traffic using any public street;
 - (vi) 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;
 - (vii) to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Municipality as a free running area;
 - (viii) to be left alone unattended in an open bakkie in any public place or public street;
 - (ix) to be left alone unattended in a closed vehicle / bakkie in any public place or public street;
 - (x) to keep a vicious dog on a property without displaying a board outside the property of a possible danger.

- (j) Permit any vicious or dangerous dog to be in any public street or public place unless it is humanely muzzled and contained in a leash and under control by a competent adult dog handler.
- (k) Keep any dog which does not have on its collar or micro-chip the owner's contact details or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (l) Provoke, harass, terrify or tease any dog;
- (m) Hawk any dog, including selling puppies or kittens in a public place.

4.7 Seizure, impounding and destruction of dogs

4.7.1 An authorised official or a person authorised thereto by a person, body or structure contemplated in the definition of Municipality, may enter any premises and seize and impound at a place appointed by the Municipality any dog which-

- (a) may be destroyed in terms of the provisions of subsection 4.7.10 or any other law;
- (b) in his or her opinion is suffering from mange or any other infectious or contagious disease;
- (c) in his or her opinion constitutes a hazard to traffic using any public street;
- (d) is at large and apparently without an owner;
- (e) is found in any public place or public street where such a dog is, in the opinion of the authorised official, not on a leash or under proper control, unless the dog is in an area designated by the Municipality as a free running area;
- (f) enters any premises while an authorised official is attempting to take it into custody;
- (g) is starved or under-fed or denied adequate access to water or shelter;
- (h) is confined inhumanely; or
- (i) is being kept in contravention of any of the conditions of this by-law.
- (j) is a vicious dog and is in public street or public place and not muzzled.

4.7.2 Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.

4.7.3 Notwithstanding the provisions of subsections 4.7.1 and 4.7.2, no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.

- 4.7.4 Any person who has taken a dog into custody in terms of this section-
- (a) must ensure that the dog is not ill-treated; and
 - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- 4.7.5 No person may free any dog which has been taken into custody by an authorised official, or is being kept in custody in terms of this section or which has been impounded.
- 4.7.6 The SPCA shall keep a record of all dogs seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such dogs, as well as the last date for their release or otherwise, and such records shall be open for inspection by the public at the Offices of the SPCA during office hours.
- 4.7.7 Any person may claim an impounded dog if he or she -
- (a) satisfies the pound master that he or she is the owner or is otherwise entitled to the custody of the dog concerned;
 - (b) satisfies the pound master that releasing the dog into his or her custody will not result in any provision of this by-law being contravened;
 - (c) pays to the pound master the prescribed fees and the amount of veterinary expenses, if any, incurred in respect of the dog; and
 - (d) once the dog is being sterilised, if it is over four (4) months of age at the cost of the owner, as arranged with the SPCA.
- 4.7.8 A dog impounded in terms of subsection 4.7.1, other than a dog so impounded in terms of subsection 4.7.1 (b), shall be released to the owner of or person keeping such dog upon payment of the fee as fixed by the Municipality and after it has been sterilized.
- 4.7.9 A dog impounded in terms of subsection 4.7.1, other than a dog so impounded in terms of subsection 4.7.1 (b), may be sold or destroyed after it has been detained for not less than seven days and after such destruction has been approved by a qualified veterinarian, unless it has been claimed and released in terms of subsection 4.7.7 or subsection 4.7.8.
- 4.7.10 Notwithstanding the provisions of subsection 4.7.9, a dog which has been seized or impounded in terms of –
- (a) subsection 4.7.1 (b); or

- (b) any provision of this By-law or the provisions of any other law and which is found by the authorised official —
 - (i) to be suffering from any incurable, infectious or contagious disease, or to be suffering from being severely sick or injured;
 - (ii) to be ferocious, vicious

or dangerous, may be destroyed forthwith.

4.7.11 If an authorised official is of the opinion that a dog is a dog contemplated by the provisions of section 4.7.6, he or she may —

- (a) cause a notice to be served on the owner of such dog requiring such owner to take such steps as will effectively abate such nuisance/ contravention and to establish to the satisfaction of the authorised official that such dog is being properly kept;
- (b) impound the dog and deal with it in terms of this section, provided that such dog shall not be released to its owner unless such owner, within the period of seven days contemplated by section 4.7.9, provides the authorised official with satisfactory proof that such dog, if released to him or her, will not cause any further nuisance and will be kept under control.

4.7.12 The destruction of any dog shall be by such painless method as may be approved by a registered veterinarian and shall take place under the supervision of an authorised official.

4.7.13 The proceeds of any sale shall be used to help defray costs connected with such sale and the impounding of such dog.

4.7.14 Neither the Municipality nor the authorised official nor 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 result of or during its seizure, impounding, detention, sale, rehoming or destruction in terms of this By-law.

4.8 The rescue of stray dogs

A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Municipality and surrender it to the municipal pound within twenty four hours.

4.9 Fencing of property

No person shall keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

4.10 Designation of public places as free-running, on-leash or off-limits.

The Municipality may designate public areas, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

4.11 Removal of excrement

- (a) If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide 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.
- (b) No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.

4.12 Permit to use security dogs

The owners or users of security dogs apply for a permit whereby all provisions of section (4.7.2) to (4.7.8) apply.

4.13 Dog shall not be a source of danger

- (a) Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to the Municipality's employees entering upon such premises for the purpose of carrying out their duties.
- (b) A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

4.14 Dogs on premises where food is sold

- (a) 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 enter or to be or remain in such shop or place.

- (b) The provisions of this section shall not apply to the South African Police Service or a guide dog which is utilised to accompany a blind person.

4.15 Dog kennels, pet shops and pet parlours

- (a) No kennel, pet shop or pet parlour may be operated without the permission of the Municipality.
- (b) Application for permission must be done in the manner prescribed by the Municipality.
- (c) The person operating a kennel, pet shop or pet parlour may not conduct the business in such a manner so as to cause any risk, nuisance or annoyance to other people.

4.16 Hawking of animals

No person may hawk an animal:

- (a) in a street or public place; or
- (b) in or from a movable structure or vehicle.
- (c) at public markets

5. CATS

5.1 Sterilization of cats

5.1.1 All cats (male and female) over 6 months of age must be sterilized;

5.1.2 An authorised official may cause a cat to be sterilized should he or she deem it necessary,

- (a) in the interests of the welfare of the cat
- (b) to prevent nuisance
- (c) when the cat is stray
- (d) on the request of the owner
- (e) in accordance with this by-law

and the costs thereof may be recovered from the owner.

5.1.3 The owner of a sterilized cat must obtain proof that the cat has been sterilized from a registered veterinarian and must produce such document for inspection to any authorised official on demand.

5.1.4 Subsection 5.1.1 does not apply to any cat where the owner obtains a permit from the Municipality to keep the cat unsterilized.

5.2 Permit to keep an unsterilized cat

Any person wishing to keep an unsterilized cat, with or without the intention to breed, must obtain a permit from the Municipality -

- (a) An application to keep an unsterilized cat must be in writing on a prescribed form and must be accompanied by the prescribed fee.
- (b) The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- (c) The Municipality may refuse to consider an application if the cat or premises are deemed unsuitable for breeding purposes by the inspecting officials.
- (d) A permit is not transferable from one cat to another cat or from the premises in respect of which it has been issued, to other premises.
- (e) Permit applications and fees are to be renewed annually.
- (f) Should an unsterilized cat be sterilized by a registered veterinarian during the permit period, proof of sterilization must be submitted to the Municipality together with the original permit.

5.3 Restriction on number of cats

5.3.1 The Municipality determines the number of cats that may be kept on any premises.

5.3.2 No person may keep more than —

- (a) Two cats, or allow more than two cats, over the age of six months to be kept on any premises;
- (b) Four cats, or allow more than four cats, to be kept on an agricultural property or smallholding of 2.5 hectares or larger.
- (c) More than two cats, except for if the cats fall under 5.2(g).

5.3.3 Subsection 5.3.2 does not apply to any person who —

- (a) is the holder of a permit issued in terms of section 5.3.4 to keep a greater number of cats;
- (b) is the holder of a permit to operate a cattery;
- (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the cats under the control of such owner or manager have been vaccinated against cat flu and feline leukaemia diseases;
- (d) is the owner or manager of a veterinary clinic;

- (e) operates a pound; or
- (f) are under the control of the SPCA or other welfare society.

5.3.4 A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to an animal may not keep a cat unless the Municipality determines otherwise.

5.4 Permits to keep more cats than the prescribed number.

5.4.1 Any person who wants to keep a greater number of cats on premises than the number permitted in terms of section 3 must apply to the Municipality for a permit which will not be unreasonably withheld.

5.4.2 An application in terms of subsection 5.4.1 must be in writing on a prescribed form and must be accompanied by the prescribed fee.

5.4.3 The Municipality may require a property inspection and the applicant to provide any information which it considers relevant to enable it to make an informed decision.

5.4.4 The Municipality may refuse to consider an application in terms of subsection 5.4.1 in respect of which the provisions of subsection 5.4.2 have not been complied with or information contemplated in subsection 5.4.3, has not been furnished.

5.4.5 The Municipality may only consider an application in terms of subsection 5.4.1 after receipt of a written report from an authorised official-

- (a) as to whether the cat for which the permit is required is likely to cause a public health hazard;
- (b) setting out the results of an inspection of the premises on which the cat concerned is being kept or is to be kept; and
- (c) as to whether the applicant has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of cruelty to animals.

5.4.6 The Municipality may refuse an application in terms of subsection 5.4.1 or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the cats on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Municipality.

5.4.7 In respect of any application approved in terms of subsection 5.4.6, an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

5.4.8 A permit is not transferable from one cat to another cat or from the premises in respect of which it has been issued, to other premises.

5.5 Taking cats into custody

5.5.1 An authorised official or an authorised person may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of sections 5.2 and 5.3.

5.5.2 The Municipality may take the necessary steps to ensure that the humane entrapment of stray or feral cats is effected.

6. WORKING EQUINES

6.1 Permits to keep working equines

6.1.1(a) Any owner who wants to put to work a working equine, must apply to the Municipality for a permit, in respect of such working equine.

(b) No more than one permit may be issued in respect of a working equine.

6.1.2 An application in terms of subsection 6.1.1 must be in writing on a prescribed form and must be accompanied by -

(a) the prescribed fee;

(b) documentary evidence that the working equine is suitable to pull an animal drawn vehicle;

(c) Any person using a working equine in contravention of the above may be issued with a fine.

6.1.3 The Municipality may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.

6.1.4 The Municipality may refuse to consider an application in terms of subsection 6.1.1 in respect of which the provisions of subsection 6.1.2 have not been complied with or information contemplated in subsection 6.1.3, has not been furnished.

6.1.5 The Municipality may only consider an application in terms of subsection 6.1.1 after receipt of a written report from an authorised official –

(a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public

place or its use may result in a contravention of section 6.1.3;

- (b) setting out the results of an inspection of the working equine and its working circumstances; and
- (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.

6.1.6 The Municipality may refuse an application in terms of subsection 6.1.1 or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Municipality.

6.1.7 A person who has applied for a permit in terms of subsection 6.1.1 may not work a working equine pending the outcome of such application, in the absence of a permit.

6.1.8 In respect of any application approved in terms of subsection 6.1.6, an authorised official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.

6.1.9 A permit is not transferable from one owner to another.

6.2 Amendment, suspension and cancellation of permits

The Municipality may, after consideration of a report and recommendation of an authorised official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 6.1

- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in -
 - (i) the creation or continuation of a nuisance in a public place; or
 - (ii) a continued contravention of any provision of section 6.3;
- (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.

6.3 Control of working equines

No person putting to work a working equine shall –

- (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle or carry an unreasonable load;

- (b) permit the working equine to constitute a hazard to traffic using any public street;
- (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
- (d) permit the working equine to be in any public street or public place except when under his or her control;
- (e) work any working equine which does not have on the name, telephone number and address of its owner.
- (f) permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria (Schedules "C" and "D") which may be declared by Municipality from time to time.

6.4 Seizure, impounding and destruction of working equines

6.4.1 An authorised official may enter a premises to seize and impound at a place appointed by the Municipality any working equine which -

- (a) may be destroyed on the advice of a veterinary surgeon or in terms of the provisions of any law;
- (b) in his or her opinion is incapable to continue to pull an animal drawn vehicle;
- (c) in his or her opinion constitutes a hazard to traffic using any public street;
- (d) is at large and apparently without an owner; or
- (e) is found in any public place where such a working equine is, in the opinion of the authorised official, not under proper control.

6.4.2 The Municipality shall keep a record of all working equines seized and impounded in terms of this By-law indicating the species, marks and distinguishing peculiarities (if any) of such working equines, as well as the last date for their release or otherwise, and such records shall be open for inspection by the public at the Municipal Offices during office hours.

6.4.3 A working equine impounded in terms of subsection 6.4.1 shall be released to the owner or person keeping such working equine upon payment of the fee as fixed by the Municipality.

6.4.4 A working equine impounded in terms of subsection 6.4.1 may be sold or re-homed after it has been detained for not less than seven days unless it has been claimed and released in terms of subsection 6.4.3.

6.4.5 If an authorised official is of the opinion that a working equine is a working equine contemplated by the provisions of section 6.3, he or she may —

- (a) cause a notice to be served on the owner of such working equine requiring such owner to take such steps as will effectively abate such nuisance and to establish to the satisfaction of the authorised official that such working equine will be kept under proper control;
- (b) impound the working equine and deal with it in terms of this section, provided that working equine shall not be released to its owner unless such owner, within the period of seven days contemplated by section 6.4.4, provides the authorised official with satisfactory proof that such working equine, if released to him or her, will not cause any further nuisance and will be kept under control.

6.4.6 The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such working equine.

6.4.7 Neither the Municipality nor the authorised official nor 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 working equine as result of or during its seizure, impounding, detention, sale or destruction in terms of this By-law.

6.5 The rescue of impounded working equines prohibited

No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any working equine being lawfully brought to the pound, or shall rescue or attempt to rescue any working equine after such working equine has been lawfully impounded by an authorised official.

7. ANIMALS AND POULTRY

7.1 In order to promote public health no person shall keep or permit to be kept on any residential premises or property any animal or poultry as defined in the definition without the permission of the Municipality.

7.2 Permits

7.2.1 For the purposes of promoting public health and restricting public nuisances, the Municipality may from time to time determine the number of animals or poultry that may be kept

per unit area and the areas within which such animals or poultry shall be prohibited.

- 7.2.2 The Municipality may from time to time, determine the kinds of animals and poultry for which a permit is required and the relevant application fee and annual fee for such permit. Applications for such permits must be made on the prescribed form made available by the Municipality for such purposes.
- 7.2.3 Permits issued in terms hereof are not transferable and shall only be valid for the specific property in respect of which the application was made.
- 7.2.4 The Municipality will be assisted by the SPCA in the administration of processing applications for permits.
- 7.2.5 Every person who keeps an animal in a kennel, pen or run area or similar confining place, whether within or outside a building, shall ensure that the kennel, pen or run area is cleaned regularly and that excreta does not accumulate.
- 7.2.6 No animals, including dogs and cats, may be housed in a crate or enclosure that restricts natural freedom of movement or does not allow sufficient space for exercise according to the needs of that animal.
- 7.2.7 Every person who keeps an animal must
- (a) provide clean potable drinking water at all times and a sufficient quantity of suitable food to allow for normal growth and the maintenance of normal body weight, with clean receptacles for food and water
 - (b) provide necessary veterinary care when the animal exhibits signs of injury, pain or suffering that require medical attention.
- 7.2.8 All animals should be kept in compliance of this by-law and any other prescribed law where permission has been granted to keep an animal, a permit will have to be presented, if and when required.

7.3 Applications

- 7.3.1 The Municipality may require an application in terms of section 7.2.1 to be accompanied by a detailed site plan indicating all existing or proposed structures and fences on the property for which the permit is required.
- 7.3.2 The Municipality may require detailed plans and specifications of structures wherein it is proposed to keep animals and poultry, in order to evaluate whether or not to grant a permit applied for in terms of section 7.2.2.

7.3.3 Notwithstanding anything to the contrary contained in this by-law, the Municipality may refuse to approve an application or grant approval subject to specific conditions if, in its opinion, the property owing to its location, siting or geographical features or size, is unsuitable for the keeping of animals or poultry.

7.3.4 No structure that accommodates animals shall be sited –

- (a) within one and a half metres of any boundary of the erf which abuts another residential erf;
- (b) within six metres of any boundary of the erf which abuts any road or public open space; and
- (c) within four and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed.

7.3.5 Where a structure in which animals will be kept forms part of an outbuilding used for human habitation, such structure must be sited at least four and a half metres from such habitable room and must not be under the same roof space as the habitable room.

7.3.6 No structure in which poultry is kept shall be sited:

- (a) within one and a half metres from any boundary of a residential erf; and
- (b) within one and a half metres from any dwelling, servants quarters, inhabited outbuilding and shop or building where food is processed, sold or stored.

7.3.7 All structures in which animals or poultry are kept shall be suitably screen from any street to the satisfaction of the Municipality.

7.3.8 No structure in which poultry is kept shall have a height in excess of three and a half metres.

7.3.9 Notwithstanding the aforementioned provisions, the Municipality may, after considering conditions particular to the property and on condition that no objection is received from adjoining and affected neighbours, waive any or all of the requirements of this chapter and impose other conditions if appropriate.

7.4 Storage of feed and manure, disposal of carcasses

7.4.1 All manure resulting from keeping of animals and poultry shall, pending removal from the premises, be stored under shelter in sealed fly-proof containers and disposed of on a regular

basis so as to prevent any nuisance from being created, provided that such disposal may not include composting on the premises, except on agricultural property.

7.4.2 All feed for the keeping of animals and poultry shall be stored in a rodent-proof place, container or storeroom.

7.4.3 The premises for the keeping of animals or poultry shall be kept in such condition as to not attract or provide harbourage for rodents.

7.4.4 Carcasses are to be disposed of at the owner's expense and in a manner approved by the Municipality.

7.5 The Municipality shall from time to time determine that a fly and rodent-proof manure store and feed store of adequate size and constructed of permanent material, is required on premises where animals are kept.

7.6 Kennels and catteries

No person shall keep a kennel or cattery unless the following requirements are complied with and a permit has been obtained from the Municipality:

- (a) Dogs and cats are kept in separate secure enclosures of an adequate size in the opinion of the authorised official and that meet the Municipality's health and building requirements. Such enclosures must-
 - (i) be constructed of durable materials;
 - (ii) provide or contain a waterproof roofed shelter;
 - (iii) have internal walls and floors finished to provide smooth, hygienic cleanable surface without cracks or open joints;
 - (iv) provide adequate access for cleaning, disinfecting and de-vermination purposes;
 - (v) have sufficient potable water points for drinking and cleaning purposes
 - (vi) have floor drainage connected to the Municipality sewer system in an approved manner.
- (b) separate isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality;
- (c) if cages are provided for the safekeeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

- 7.7 Structures to be in a proper state of repair and no alterations
- 7.7.1 All structures shall at all times be kept in a proper state of repair by the owner or occupier of the premises.
- 7.7.2 No person shall alter or use a structure for the keeping of animals or poultry for purposes other than those specified in the permit.
- 7.8 Notices, amendment and cancellation of permits
- 7.8.1 If, in the opinion of the Municipality, any animals kept on any property in terms of which a permit has been issued by the Municipality under this By-law cause a health nuisance, danger to health or endanger the safety of the public or where more animals are kept than authorised in the permit issued, the Municipality may serve written notice on the holder of the permit, or in his absence the person in charge, to remove or cause to be removed such nuisance or danger or excess number of animals within a specified period.
- 7.8.2 The holder of a permit or the person in charge, on receiving a notice in terms of subsection 7.8.1 shall comply with the requirements as specified by the Municipality in such notice, failing which the Municipality may, at its discretion-
- (a) cancel the permit to keep animals on such property, or
 - (b) amend the permit.
- 7.8.3 The holder of a permit shall, when requested by the Municipality to do so, return the permit issued to him for amendment or cancellation, as the case may be.
- 7.9 Animals offered for sale
- A person or manager of premises where dogs and cats or horses are offered for sale shall keep proper records of vaccinations and shall not leave such animals unattended overnight.
- 7.10 Fireworks
- No person may terrify or cause stress or fear to any animal with fireworks or by any other means.
- 7.11 Animal Cruelty
- 7.11.1 Any person who:
- (a) maims an animal in any way including tail docking and ear cropping, except for rare breeds where case law had allowed tail docking (proof needs to be submitted);

- (b) possess, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
- (c) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
- (d) promotes animal fights for financial gain or as a form of amusement ;
- (e) allows any of the acts referred to in paragraphs (a) to (d) to take place on any premises or place in his or her possession or under his or her charge or control;
- (f) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person or animal to such premises or place; or
- (g) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (c) and (d) is taking place or where preparations are being made for such acts.
- (h) in any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place;

7.11.2. The South African Police Services will act in terms of the Criminal Procedure Act 5 of 1977 and the Animals Protection Act 71 of 1962 and the SAPS Standing Order 33, when a contravener of this By-law is taken into custody.

7.11.3. The SAPS will also deal specifically with dog fighting and bestiality cases.

7.12 The keeping of pigs is not permitted in a residential area.

8. DUTIES OF A POUND MASTER

A pound master-

- (a) (i) must keep the pound open between 09h00 and 16h00 from Monday to Friday and Saturday between 09h00 and 11h00 unless any such day is a public holiday;
- (ii) may, notwithstanding the provisions of subparagraph (i), keep the pound open during such earlier or later hours as he or she considers necessary, subject to displaying an easily legible notice to that effect at the entrance to the pound;

- (b) must accept, take charge of and impound any animal brought to the pound with a view to impounding it, during the hours when the pound is open and must, subject to the further provisions of this By-law, detain that animal in the pound; provided that the pound master may refuse to receive, or may release any animal if he or she reasonably believes that such animal was not lawfully taken into custody or impounded;
- (c) must keep a register in which the following particulars of any animal are recorded:
 - (i) the name of the authorised official or the name, residential address and telephone numbers of any other person who brought the animal to be impounded;
 - (ii) the time at which and date on which the animal was impounded;
 - (iii) the place where the animal was found immediately before it was taken into custody;
 - (iv) the date on which and the time at which the animal was taken into custody before being brought to the pound;
 - (v) the reason for impounding the animal;
 - (vi) a description of the animal indicating the estimated age, breed, sex, colour, markings and any injury found on the animal when the pound master accepted it;
 - (vii) whether the animal was released, sold or destroyed and the date and time of such release, sale or destruction;
 - (viii) the amount of money realised in respect of such release or sale;
 - (ix) the amount of veterinary expenses, if any, incurred in respect of the animal;
- (d) must ensure that the pound and all equipment used in connection with impounding animals are at all times kept in a clean condition and free from flies and other vermin, to the satisfaction of the Municipality's Director: Community Services;
- (e) must ensure that every animal in the pound is properly fed and cared for;
- (f) must isolate any female animal on heat;
- (g) must take all reasonable steps to prevent fighting amongst animals in the pound;
- (h) must isolate any diseased animal from the healthy animals, have such an animal attended to by a veterinarian and take all steps to recover the expenses incurred in this regard from the owner if the identity and address of the owner are known;
- (i) must take all necessary steps to have the animal destroyed as contemplated in this By-Law and recover any expenses in this regard from the owner if the identity and address of the owner are known;
- (j) must take all reasonable steps to ensure that animals are rehomed and not destroyed;

- (k) must levy the prescribed fee for impoundment and daily holding fees in respect of any animal;
- (l) may cause any animal to be sterilized and provide it with identification as set out in section 4.6 (c) and recover the costs thereof from the claimant unless the claimant may provide considerable motivation as to why the animal should not be sterilized and provide permits as set out in sections 4 and 5;
- (m) must cause any animal to be sterilized and provide it with identification as set out in section 4.6(c) prior to releasing the animal from the pound to any person other than the original owner thereof; and
- (n) must scan any animal taken into custody by an authorised official for the purposes of detecting a microchip.

9. EXEMPTIONS AND CONDITIONS

- 9.1 The Municipality may refuse or grant any application for approval and impose conditions, requirement or restrictions it may require or deems appropriate.
- 9.2 The Municipality may with well-founded reasons exempt any person and/or class of persons from any or all of these requirements, conditions or restrictions it deems appropriate.

10. LIABILITY

The Municipality, authorised official or employee shall not be liable for any injury suffered or disease contracted by or damage caused to any dog or cat as a result of ordering its seizure, impounding, detention or destruction in terms of this By-Law, or other legal provisions.

11. GENERAL PROVISIONS

11.1 Right of entry and inspection:

- (a) Any authorised person is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.
- (b) When entering premises in terms of sub-section 11.1, the authorised person must on request by any person, identify himself by producing written proof of authorisation.
- (c) The authorised person may be accompanied by a person reasonably required to assist in conducting the inspection.

11.2 Any person who fails to give or refuse access to any authorised person if he request entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this By-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

12. SERVICE OF DOCUMENTS AND PROCESS

12.1 Whenever a notice, order, demand, or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person-

- (a) when it has been delivered to him personally;
- (b) when it has been left at his place of residence or business in the Republic with a person apparently over the age of sixteen years;
- (c) when it has been posted by registered or certified mail to his last known residential or businesses address in the Republic and an acknowledgement of the posting thereof is produced;
- (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by sub-section 12.1 (a), (b) or (c); or
- (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.

12.2 When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

13. TRANSITIONAL PROVISIONS

13.1 A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 3, or operate a business as contemplated in section 8, may continue to keep such larger number of animals or keep operating the business; but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, or extent, change, move, letting, subletting or sell the business, unless permission is obtained from the Municipality for exceeding that number, or inform the Municipality of such extension change, move, letting, sub-letting or selling.

13.2 In the case of such extension, change, moving, letting, sub-letting or selling of the business, the Municipality may impose such conditions and restrictions it deem fit to impose.

13.3 Owners of unsterilized dogs and cats are granted a 6 month period from the date of promulgation of this By-law in which to register their dogs and cats.

13.4 Cat owners are granted a 6 month period in which to ensure that their cat have micro-chips or collars with the details of the owners.

14. OFFENCES AND PENALTIES

14.1 Any person who –

- (a) Contravenes or fails to comply with any provisions of this By-Law or with any order or notice lawfully issued hereunder commits an offence; and
- (b) Continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or her has been convicted of such offence shall be guilty of a continuing offence.

14.2 Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding two years.

14.3 In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding 10 days for each day on which such offence continued may be imposed or both a fine and imprisonment.

Any court convicting a person of keeping an animal which is not kept under control in accordance with the provisions of this By-law may, in addition to the penalty referred to in subsection 14.2, order the destruction of the animal concerned, and thereupon an authorised official may destroy such animal.

15. APPEAL

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

16. REPEAL

The By-law Relating to the Regulating of the Keeping of Dogs and Cats and other Animals promulgated in Government Gazette 7365 dated 13 March 2015 is hereby repealed

17. SHORT TITLE AND COMMENCEMENT

This By-law shall be known as the By-law relating to the Regulating of the Keeping of Dogs and Cats and other Animals of the George Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY**BY-LAW RELATING TO COMMUNITY FIRE SAFETY**

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the By-Law relating to Community Fire Safety as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

BY-LAW RELATING TO COMMUNITY FIRE SAFETY**INDEX**

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9. Transportation of dangerous goods
10. Fireworks
11. General provisions

SCHEDULE 1 (Forms)**SCHEDULE 2 (Applicable legislation)****SCHEDULE 3 (SABS Code of Practice)**

The Municipal Council of George recognises:—

Preamble

- that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- that the protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- that certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- that the community has a vital role to play in achieving the objectives of this By-Law, and
- that the benefits of a fire-safe environment should be accessible to all.

Purpose and scope of this By-Law

The purpose and scope of the By-Law is:—

- to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
- to repeal all existing relevant by-laws of the Municipality;
- to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.

Application of this By-Law

This By-Law is applicable to all persons within the area of jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.

CHAPTER 1**DEFINITIONS**

1. In this By-Law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“Above ground storage tank” means a tank situated above ground for the storage of a flammable liquid;

“Automatic releasing hold-open device” means a device used to hold open a fire door and operate on the detection of a fire to close the fire door;

“Boundary” means any lateral or street boundary of a site;

“Building” means:—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:—
 - (i) The accommodation or convenience of human beings or animals;
 - (ii) the manufacture, processing, storage or sale of any goods;
 - (iii) the rendering of any service;

- (iv) the destruction or treatment of combustible refuse or combustible waste;
- (v) the cultivation or growing of any plant or crop;

- (b) any wall, 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;

“bund wall” means a containment wall surrounding an above ground storage tank, constructed or an impervious material;

“chief fire officer” means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

“combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“combustible waste” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“controlling authority” means either a Chief Fire Officer, a Municipal Manager or their respective delegates as contemplated in sections 2 and 3 of this By-Law;

“dangerous goods” means a flammable gas, liquid or solid as contemplated in (SANS10228);

“division separating element” means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the (SANS 10400);

“emergency evacuation plan” means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

“emergency route” means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

“emergency vehicle” means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

“entertainment and public assembly occupancy” means a place where people gather to eat, drink, dance or participate in other recreation;

“escape door” means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

“escape route” means the entire path or travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

“escape route plan” means a diagram indicating the floor layout, the occupant’s current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

“fire break” means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises, and may consist of one or more of the following:

- (a) grass or vegetation that does not exceed 50mm (fifty millimetres) in height;

(b) lawn or cultivated garden, or

(c) a road or driveway;

“**Fire Brigade Services Act**” means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

“**fire damper**” means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

“**fire door**” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“**fire extinguisher**” means a portable or mobile rechargeable container which has a fire extinguisher substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

“**fire hazard**” means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

“**fire lanes**” means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

“**fire protection system**” means any device or system designed and installed to—

(a) detect, control or extinguish a fire, or

(b) alert occupants or the fire service, or both, to a fire,

but excludes portable and mobile fire extinguishers;

“**fire wall**” means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with (SANS 10400) 10400;

“**firework**” has the meaning assigned thereto in section 1 of the Explosives Act, 2003 (Act 15 of 2003);

“**flammable gas**” as contemplated in SANS 10228, means a gas that at 20 °C and at a standard pressure of 101,3 kilopascals:—

(a) is ignitable when in a mixture of 13% or less (by volume) with air; or

(b) has a flammable range with air of at least 12 percentage points, regardless of the lower inflammable limit;

“**flammable liquid**” means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 oC and also includes a liquid within the following danger groups as determined in SANS 10228:—

DANGER GROUP BASED ON FLAMMABILITY

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point (°C)
i	-	□35 (°C)
ii	<23 (°C)	>35 (°C)
iii	□23 □60,5 (°C)	>35 (°C)
iv	>60,5 – 100 (°C)	>35 (°C)

“**flammable solid**”—as contemplated in SANS 10228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

“**flammable substance**” means a flammable liquid or a flammable gas;

“**flammable store**” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-Law;

“**Hazardous Substances Act**” means the Hazardous Substances Act, 1973 (Act 15 of 1973);

“Mobile filling station” means a movable container or tank used for the storage and distribution of liquefied petroleum gas.

“Municipality” means The Municipality of George duly established in terms of section 12 of the Municipal Structures Act;

“Municipal Manager” means a person appointed in terms of Section 54A of the Municipal Systems Act, or such person acting in that position.;

“Municipal Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998); **“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“National Building Regulations” means the regulations promulgated in terms of section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:—

- (a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- (c) National Building Regulations (A21) means the provisions regulating the population of a building;
- (d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building; and
- (e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of 1996);

“non-combustible” means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5;

“occupancy” means the particular use or type of use to which a building or portion thereof, is normally put or intended to put as provided for in the National Building Regulations (A20);

“occupancy separating element” means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the (SANS10400)

“Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

“operator” means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

“owner” means:—

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and;
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c) any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

“person in charge” means:—

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

“population” means the population determined in accordance with the National Building Regulations (A21);

“premises” means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

“public place” means any square, park, recreation ground or open space which:—

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

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

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

“SABS Codes” means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act; and shall include SANS Codes;

“SANS Codes” means South African Bureau of Standards SANS Codes of Practice and Specifications issued in terms of the Standards Act; and shall include SABS Codes;

“service” means a fire brigade service as defined in the Fire Brigade Services Act;

“site” means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

“Standards Act” means the Standards Act, 1993 (Act 29 of 1993);

“State” means:—

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution:—
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution, or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

“**storage vessel**” means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

“**summary abatement**” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

“**tank**” for purposes of chapter 9 of this By-Law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment or flammable liquid or gas cargo;

“**tent**” means a portable or temporary structure of canvas, cloth or similar material, consisting of a canopy, which may have walls, supported by poles and stretched by cords secured to pegs driven into the ground;

“**this By-Law**” includes the Schedules published in terms of this By-Law;

“**threatening danger**” means the existence of an undesirable situation which causes or has the potential to cause imminent harm, risk, peril or injury should an emergency or fire occur;

“**underground tank**” means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

“**vehicle**” means a vehicle as defined in the National Road Traffic Act and includes the following:—

- (a) “**road tank vehicle**” means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) “**tank-semi-trailer**” means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- (c) “**tank trailer**” means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) “**tank truck**” means a single, self-propelled vehicle with a tank mounted on it;
- (e) “**truck-tractor**” means a self-propelled vehicle used to pull a tank-semi-trailer, and
- (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-Law.

CHAPTER 2 ADMINISTRATIVE PROVISIONS

Administration and enforcement

2. (1) The chief fire officer is responsible for the administration and enforcement of this By-Law;
- (2) Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the municipal manager is responsible for the administration and enforcement of this By-Law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the municipal manager is responsible for the administration and enforcement of this By-Law.

Delegation

3. (1) A chief fire officer may delegate any power granted to him in terms of this By-Law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this By-Law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

Enforcement provisions

4. (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-Law.
- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-Law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:—
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity, and
 - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

Authority to investigate

5. Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

Failure to comply with provisions

6. (1) When a controlling authority finds that there is non-compliance with the provisions of this By-Law, excluding the situation in section 4(2), a written notice must be issued and should include the following:—
 - (a) confirmation of the findings;
 - (b) provisions of this By-Law that are being contravened;
 - (c) the remedial action required, and
 - (d) set forth a time for compliance.
- (2) An order or notice issued under this By-Law must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge or the premises or both.

Denial, suspension or revocation of an approval or a certificate

7. A controlling authority may refuse, suspend or revoke an approval or a certificate required by this By-Law for:
 - (a) failure to meet the provisions of this By-Law for the issuance of the approval or certificate, or
 - (b) non-compliance with the provisions of the approval or certificate.

Records required

8. The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

Charges

9. (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.

- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

Reporting a fire hazard and other threatening danger

10. An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-Law, must immediately notify the controlling authority.

CHAPTER 3

FIRE PROTECTION OF BUILDINGS

General

11. The controlling authority in terms of section 4(3) or section 6(1) of this By-Law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

Access for emergency vehicles

12. (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions of the National Building Regulations (T1), may be required to comply with the following:—
- (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises;
 - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device;
 - (c) Fire lanes must be provided for all premises which are set back more than 45metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road;
 - (d) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres above the fire lane must remain unobscured;
 - (e) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

13. An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

Fire doors and assemblies

14. (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-pen device approved by the Municipality.

- (3) A fire door and assembly may not be rendered less effective through the following actions:—
- (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link actuating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
 - (f) any other action that renders a fire door or assembly less effective.

Escape Routes

15. (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

Tents

16. (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant, the owner or person in charge of premises must:—
- (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the approval to erect and use the tent, and
 - (b) submit an application in terms of section 21 of this By-Law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following:—
- (a) The safety distance between a tent and any building or boundary shall be in accordance with TT2 of the (SANS) 10400. The controlling authority may require that this distance be increased should the situation require it.
 - (b) The tent must be erected at least 4,5metres from any combustible stores or materials;
 - (c) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - (d) The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:—
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
 - (e) The population density of a tent must comply with the National Building Regulations (A21).

- (f) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (g) No open fires is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - (h) No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
 - (i) Smoking is prohibited in a tent and a **“No Smoking”** sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - (j) Lighting and wiring installed in a tent must comply with the requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4

FIRE SAFETY EQUIPMENT

Fire extinguishers

17. (1) The owner or person in charge, as the case may be, must provide and install fire extinguishers on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SABS 1573 and SANS 10105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SANS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SANS 1475: Part 1 and SANS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

Testing and maintenance of fire protection systems

18. (1) The owner or person in charge must ensure that fire protection systems are tested and maintained on a regular basis and that a detailed record of such tests and maintenance of the systems is kept.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- (6) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.
- (7) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternative equipment to maintain the level of safety within the premises.

Interference with and access to fire protection systems and fire extinguishers

19. A person is not permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

Fire alarms and fire hydrants

20. (1) Without compensation to the owner of the premises concerned, the controlling authority may cause:—
 - (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in (a), board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5

PUBLIC SAFETY

Prevention and control of overcrowding

21. (1) Prior to the usage of the premises for entertainment or public assembly where the population including staff exceeds 200 persons, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of this By-Law.
- (2) The owner or person in charge of the premises for which a population certificate is required shall not utilise such premises if a population certificate has not been issued by the Controlling Authority.
- (3) The controlling authority may request additional information from the applicant.
- (4) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (5) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (6) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of a temporary or permanent population certificate.
- (7) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-Law.
- (8) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must re-apply for the certificate in accordance with subsection (1).
- (9) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (10) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (11) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

Attendance of a service

22. (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place use for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-Law.

Formulation of an emergency evacuation plan

23. (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy, which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:—
- (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required, and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Displaying of escape route plans

24. (1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

Barricading of vacant buildings

25. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

CHAPTER 6 HOUSEKEEPING

Combustible waste and refuse

- 26 (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed off to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

Dust

27. The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose off the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

Combustible or flammable substances and sweeping compounds

28. (1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

Accumulations in chimneys, flues and ducts

29. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

Sources of ignition

30. (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

Smoking

31. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and “**No Smoking**” signs must be displayed as directed by the controlling authority and the signs must comply with SANS 1186: Part 1.
- (2) A person may not remove a “**No Smoking**” sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

- (4) The owner or person in charge of premises may not allow or permit any person to light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material in any place where expressly prohibited.
- (5) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (6) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.
- (7) Where such throwing, putting down or dropping a burning match, burning cigarette, or other burning material or any other material capable of spontaneous combustion or self-ignition in a road or any other place, occurs from a vehicle, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the owner of such vehicle.

Electrical fittings, equipment and appliances

32. (1) A person may not cause or permit an electrical supply outlet to be overloaded.
- (2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

Flame-emitting device

33. A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7

FIRE HAZARDS AND FIREBREAKS

Combustible material

34. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

Lighting of fires and burning of combustible material

35. (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purposes of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Burning may take place on State land, a farm, a smallholding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the controlling authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 2.

36. (1) Notwithstanding anything contained in the National Veld and Forest Fire Act, the owner or person in charge of a premises that has vegetation growing thereon shall where necessary prepare and maintain sufficient fire break(s) to ensure that the risk of a vegetation fire arising on or spreading from one premises to the next is minimised.
- (2) Where an owner or person in charge fails to prepare or maintain a firebreak or where in the opinion of the controlling authority, the firebreak(s) is insufficient for the prevailing circumstances, the controlling authority may act in terms of section 4(2) or 6(1) of this By- Law.
- (3) Where a firebreak(s) has been prepared, the vegetative material from within the firebreak(s) must be removed from the area of the firebreak(s) and must be disposed off in a manner acceptable to the controlling authority.
- (4) For the purpose of sub-section (1) a fire break means an area, not less than 5m in width, around the boundary of the premises, adjacent to the boundary on both ends, which consists of one or more of the following:
- (a) open ground;
 - (b) grass, which exceeds not more than 50mm;
 - (c) lawn of developed garden; or
 - (d) a road or a driveway.
- (5) Section (1) is not applicable in cases where an exemption has been granted in terms of the National Veld and Forest Fire Act.

CHAPTER 8

FLAMMABLE SUBSTANCES

Application of this Chapter

37. Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

Storage and use of a flammable substance

38. (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SANS 10131: Parts 1 and 2, SANS 10089: Part 3 and SANS 10087: Parts 1, 3 and 7 (whichever is applicable) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises

must notify the controlling authority, who may call for the premises or installation to be rendered safe.

- (6) The owner or person in charge of the premises may not store or use:—
- (a) a flammable gas in excess of 38 kilogram, or
 - (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he has obtained a flammable substance certificate from the controlling authority, unless he has obtained a flammable substance certificate from the controlling authority.

Flammable substance certificate

39. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 37(6), must submit an application to the controlling authority as prescribed in the Schedule 2 of this By-Law.
- (2) The controlling authority may request additional information from the applicant.
- (3) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-Law, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 37(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed annually whenever the quantity or class of the flammable substance requires to be changed or when section 38(5) applies.
- (5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substance certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-Law.
- (6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not—
- (a) supply in excess of 28kg of a flammable gas or 200 litres of a flammable liquid of danger group (i), (ii), (iii) or (iv), as the case may be, to any person without proof that the person being supplied is in possession of a valid flammable substance certificate as contemplated in section 37(6); or
 - (b) deliver to any premises, more than 38kg of a flammable gas or more than 200 litres of a flammable liquid of danger group (i), (ii),
 - (iii) or (iv), as the case may be, unless the owner or person in charge of a premises is in possession of a valid flammable substance certificate as contemplated in section 37(6).
- (8) A flammable substance certificate is valid only:—
- (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue, and
 - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

Permanent or temporary above ground storage tank for a flammable liquid

40. (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:—
- (a) if it has a capacity not exceeding 9000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
- (b) to be on the premises for a period not exceeding six months;
- (c) the entire installation must comply with SANS 10131 Part 1 or SANS 10131: Part 2 whichever is applicable, and
- (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding section 38, if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage
- (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall that shall be so designed as to contain 110% of the contents of the tank within the bund or, in the case where more than one tank is within a bund area, the bund wall shall be in accordance with the requirements of SANS 10089 part 1.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting “**No Smoking**”, “**No Naked Lights**” and “**Danger**” must be provided adjacent to a tank, and the signs must comply with SANS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SANS 10108 and SANS 10089: Part 2.

Underground storage tank for a flammable liquid

41. The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 10400, SANS 10089 Part 3 and SANS 10131: Part 3

Bulk storage depot for flammable substances

42. The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10089: Part 1.

Small installations for liquefied petroleum gas

43. Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

Liquefied petroleum gas installation in mobile units and small non-permanent buildings

44. A liquefied petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SANS 01187: Part 1.

The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles

45. The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles shall be in accordance with SANS 10087: Part 8.

The application of liquefied petroleum gas and compressed natural gases as engine fuels

46. The use of liquefied petroleum gas and compressed natural gas as a fuel for internal combustion engines and for the operation of equipment built for or converted to the use of liquefied petroleum gas and compressed natural gas shall comply with SANS 10078 Part 6.

Mobile filling stations for refillable liquefied petroleum gas (LPG) containers

47. (1) The use of a mobile filling station to refill liquefied petroleum gas containers is prohibited.
- (2) No person shall have a refillable liquefied petroleum gas container at a mobile filling station.

The storage and filling of refillable liquefied petroleum gas containers

48. Storage and filling sites used for refillable liquefied petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 8.

Bulk storage vessel for liquid petroleum gas

49. The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

Termination of the storage and use of flammable substances

50. (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:—
- within seven days of the cessation, notify the controlling authority in writing thereof;
 - within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
 - restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.

- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

Reporting accidents

51. If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

Flammable stores

52. (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS(SANS) 10400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS(SANS) 10400:—
 - (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one airbrick nominally above the sill level and one air brick located in the top third of the wall per 5m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:—
 - (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1metre above roof height or at least 3,6metres above ground level, whichever is the greater;
 - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, the controlling authority may allow a flammable store door to be constructed of non-combustible material, provided that it is outward opening and that all relevant safety distances are complied with.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SANS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction

- with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
 - (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling fitted with a non-return valve and mild steel pipework leading to the inside thereof. Where deemed necessary the controlling authority may require more than one foam inlet.
 - (11) The Foam inlet and pipe work must ensure adequate distribution of the foam.
 - (12) A foam inlet must be identified by means of a sign displaying the words “**Foam Inlet**” in 50 millimetre block letters.
 - (13) Racking or shelving erected in the flammable store must be of non-combustible material.
 - (14) The flammable store must be identified by the words, “**Flammable Store—Bewaarplek vir Vlambare Vloeistowwe—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo**”, and the permissible quantity allowed within the flammable store, indicated in 50 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
 - (15) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
 - (16) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
 - (17) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
 - (18) Any hand tool used in the flammable store must be intrinsically safe.
 - (19) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:-
 - (a) within seven days of the cessation, notify the controlling authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
 - (c) within 30 days of the cessation, remove all signage.
 - (20) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

Container handling and storage

53. (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
 - (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
 - (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
 - (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.

- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open; provided that:-
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and:-
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use, and
 - (iii) when the floor area exceeds 10m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
 - (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SANS 1186: Part 1, and
 - (g) fire-fighting equipment is installed as determined by the controlling authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

Spray rooms and booths

54. A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

Liquid petroleum gas containers

55. (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087: Part 1 and SANS 10019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SANS 10087: Part 7.

Major Hazardous installations

56. (1) Notwithstanding anything contained in the Occupational Health and Safety Act and the Major Hazardous Installation Regulations, the controlling authority may require installation or a quantity of a substance is present which in the opinion of the controlling authority poses a risk that could affect the health and safety of employees and the public.
- (2) A risk assessment must be performed by an Approved Inspection Authority and comply with the requirements of Regulation 5 of the Major Hazard Installation Regulations.

CHAPTER 9

TRANSPORTATION OF DANGEROUS GOODS

57. (1) The operator of a vehicle designed for the transportation of flammable materials in excess of the exempt quantities as contained in Annexure A of SANS 0232-1 may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- (2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 2 of the By-Law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SSANS 10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1) as well as the dangerous goods certificate.
- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4(2) or 6(1) and section 7 of this By-Law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirement in subsection (7).
- (9) A dangerous goods certificate is valid only:—
- (a) for the vehicle for which it was issued;
 - (b) for the state of the vehicle at the time of issue, and
 - (c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.
- (11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

CHAPTER 10 FIREWORKS

Fireworks Certificates and Permits

58. (1) Notwithstanding the provisions in the Explosives Act or Regulations, this Chapter regulate fireworks in the local government sphere as to prevent and reduce fire hazards or other threatening dangers.
- (2) No owner or person in charge or premises may sell or store fireworks unless such owner or person has obtained a fireworks certificate from the controlling authority.

- (3) Notwithstanding the provisions of subsection (1), the sale and storage of fireworks are prohibited on or in any building used for residential or part-residential purposes, vehicle, beach, land, terrain, road, vessel, train or aircraft.
- (4) No person may operate a public fireworks display without receiving prior permission and having obtained a permit from the controlling authority.
- (5) No person may use theatrical pyrotechnics or other fireworks during a live performance, film or television recording without receiving prior permission and having obtained a permit from the controlling authority.
- (6) A permit for the operation of a public fireworks display must be applied for at least 14 days before the date of the letting off of fireworks and will be subject to compliance with any conditions a controlling authority may impose.
- (7) A fireworks certificate or permit is valid only in respect of:
 - (a) the premises or public fireworks display which is was issued for;
 - (b) the owner, person in charge or person whose name appears on the certificate or permit;
 - (c) the state of the premises at the time of issue, and
 - (d) the quantity and type of fireworks or theatrical pyrotechnics stated on the certificate or permit.
- (8) A fireworks certificate is issued to the owner or person in charge of premises and is valid until any condition of approval changes or the certificate is withdrawn or suspended.
- (9) A fireworks permit is issued to a specific person and is valid for a set time period or until the conditions of approval changes or the permit is withdrawn or suspended.
- (10) A fireworks wholesaler or other supplier may not supply fireworks to any person not in possession of a valid certificate or permit issued by the controlling authority, as the case may be.
- (11) The fireworks certificate or permit must be available on the premises for inspection at all times and does not exempt the applicant from compliance with the By-Law relating to the Management and Administration of the local authority's Immovable property or any other applicable legislation.
- (12) A controlling authority may set aside municipal land for the purpose of the letting off of fireworks by the public, subject to such conditions as may be determined by the controlling authority and indicated by a notice at the site.
- (13) When a controlling authority has set aside municipal land for the purpose of the letting off of fireworks by the public, subject to such conditions as may be determined by the controlling authority and indicated by a notice at the site, the owner or person in charge of premises may let off or allow any person to let off fireworks on any premises other than the identified land.

CHAPTER 11

GENERAL PROVISIONS

State Bound

59. This By-Law binds the State and any person in the service of the State.

Offences and penalties

60. (1) any person who:—
- a. contravenes any of the provisions of this By-Law or fails to comply therewith, or
 - b. contravenes or fails to comply with any order made hereunder or any notice served in connection herewith

is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.

- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect within a time period specified by the controlling authority.

Repeal of law

61. The George Municipality Community Fire Safety By-law promulgated in Provincial Gazette 6601 dated 13 February 2009 is hereby repealed. .

Short title and commencement

62. This By-Law is called the Community Fire Safety By-Law and comes into operation on the date of publication in the Provincial Gazette.

**SCHEDULE 1
FORMS**

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

Population Certificate Application

<p>For official use only</p> <p>Permanent / Temporary (Delete which is not applicable)</p> <p>Application No. _____</p> <p>File No. _____</p>						<p>MUNICIPALITY GEORGE</p>									
<p>Population Certificate Application</p> <p>Application for a Population Certificate is made in terms of Section 21 (1) of the Community Fire Safety By-law.</p>															
Name of applicant:						Telephone No.									
						Cell No.									
Name of business:						Telephone No.									
						Cell No.									
Type of business, e.g. bar, nightclub etc:															
Erf No:															
On what floor of the building is the venue situated i.e. ground, 1 st etc?															
Street address:															
Suburb:						Code									
Details of Premises															
How many floors does the building have?								How many floors are occupied by the venue for which this application is being made?							
<p>Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below</p>						Expected Population									
												Number of exits per floor Indicate exits per floor separately in the blocks below			
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
<p>1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.</p> <p>2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.</p> <p>3) The certificate is valid only for the premises for which it is issued and is not transferable.</p> <p>4) If the occupancy or ownership of the premises changes, the owner or person in charge must apply for a new certificate.</p>															
Signature of applicant															
Print Name															
Date															
Address															
For Controlling Authority: (Signature)															
<i>Print Name</i>															
<i>Date</i>															
<p>A certificate fee of R_____ is payable to the GEORGE MUNICIPALITY in respect of this application and the subsequent inspection.</p>															

B.

Population Certificate

<p>For Official use only</p> <p>Permanent / Temporary (Delete which is not applicable)</p> <p>Application No. _____</p> <p>File No. _____</p>	<h1 style="margin: 0;">MUNICIPALITY GEORGE</h1>
<p>Population Certificate</p> <p>This population certificate is issued in terms of Section 21 of the Community Fire Safety By-law.</p>	
Name of certificated owner:	Telephone No.
	Cell No.
Name of certificated business:	Telephone No.
	Cell No.
Occupancy:	
Erf No:	
The venue is situated on the _____ floor of the premises (ground, 1 st , 2 nd ect)	
Street address:	
Suburb:	Code
Details of Premises	
Number of floors in the building	Number of floors occupied by the venue
Square metres of usable area per floor of the venue	Approved Population
	Number of exits per floor
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
Maximum population per floor	
Floor ()	Floor ()
Floor ()	Floor ()
Floor ()	Floor ()
<p>1) The certificate is issued in terms of Section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued.</p> <p>2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate.</p> <p>3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.</p>	
For controlling authority (signature)	
Print name	
Date	

E.

Dangerous Goods Certificate Application

For official use only	GEORGE MUNICIPALITY		
Application No. File No.			
<i>Dangerous Goods Certificate Application in respect of flammable materials.</i> Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
<i>Quantity of flammable substance to be conveyed</i>			
<i>Flammable liquid (l)</i>			
<i>Flammable gas (kg)</i>			
<i>Flammable solid (kg)</i>			
<i>Remarks:</i>			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For controlling authority: (signature)			
For official use only			
A certificate fee is payable to GEORGE MUNICIPALITY in respect of this application and the Subsequent inspection.			
Signature of receiving official _____		Date: _____	
Name of receiving official: _____		Designation : _____	

F.

Dangerous Goods Certificate

<p style="text-align: center;">For official use only</p> <p>Application No. _____ File No. _____</p>	<h2 style="margin: 0;">GEORGE MUNICIPALITY</h2>
<p><i>Dangerous Goods Certificate in respect of flammable materials.</i> Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)</p>	
<p>This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S(SANS10230) 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.</p>	
<p>Details of Operator</p>	
Name of Operator	_____
Trading as:	_____
Street Address	_____
Suburb	_____ Code _____
City	_____
<p>Details of Vehicle</p>	
Type or class of vehicle	_____
Registration No.	_____
Dangerous Goods Registration Number	_____
Tare	_____
Load	_____
Make	_____
Number of tanks	_____
Capacity of tanks	_____
Year of manufacture	_____
Engine No. (if applicable)	_____
Chassis No.	_____
<i>Quantity of flammable substance to be conveyed</i>	_____
<i>Flammable liquid (l)</i>	_____
<i>Flammable gas (kg)</i>	_____
<i>Flammable solid (kg)</i>	_____
<p>This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.</p>	
<p>This certificate is issued by GEORGE MUNICIPALITY ----- and is valid until _____</p>	
<p>Date of Renewal _____</p>	
<p>Date of Expiry _____</p>	
<p>Controlling Authority (Signature) _____ Date of issue _____</p>	
<p>Name of issuing official (Print name) _____ Designation _____</p>	

SCHEDULE 2 APPLICABLE LEGISLATION

With reference to section
35(4):—

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 3 SABS CODES OF PRACTICE AND SPECIFICATIONS

SABS Code	Title
SABS 019(SANS1019)	Portable metal containers compressed gas -basic design for manufacture, use and maintenance.
SABS 087: Part 1(SANS10087)	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 30000 per installation.
SABS 087: Part 3(SANS10087)	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 50000.
SABS 087: Part 4(SANS10087)	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 6	The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines.
SABS 087: Part 7(SANS10087)	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1(SANS10089)	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2(SANS10089)	The petroleum industry, 2: Electrical installations in the Part distribution and marketing sector
SABS 0105: Part 1(SANS10105)	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.

SABS Code	Title
SABS 0108(SANS10108)	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2(SANS10131)	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142(SANS10142)	The wiring of premises.
SABS 0177: Part 5(SANS10177)	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193(SANS)	Fire dampers.
SABS 0228(SANS10228)	The identification and classification of dangerous substances and goods.
SABS 0230(SANS10230)	Transportation of dangerous goods – Inspection requirements for road vehicles.

SABS 0232: Part 1(SANS10232)	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400(SANS10400)	The application of the National Building Regulations.
SABS 1186: Part 1(SANS1186)	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253(SANS1253)	Fire doors and fire shutters.
SABS 1398(SANS1398)	Road tank vehicles for flammable liquids.
SABS 1475: Part 1(SANS)	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518(SANS)	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571(SANS)	Transportable rechargeable fire extinguishers.
SABS 1573(SANS)	Portable rechargeable fire extinguishers – Foam type extinguishers.

GEORGE MUNICIPALITY

PUBLIC AMENITIES BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the Public Amenities By-Law set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

PUBLIC AMENITIES BY-LAW

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1. Definitions

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

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

"authorised officer" means any person authorized by the municipality to perform the functions of an authorised officer under this By-law, or a member of the South African Police;

"beach" means the sea-shore situated within or adjoining the area in which the municipality has jurisdiction and the sea for a distance of 200 metres seaward from the low-water mark adjoining the sea-shore;

"camp" or **"camping"** means to occupy a public amenity by standing thereon with a mobile home, caravan or vehicle or erecting thereon a tent or temporary structure and using such mobile home, caravan, vehicle, tent or temporary structure for the purpose of habitation or sleeping or as a shelter or protection against the weather outside the hours set aside by notice for day camping;

"camping area" means land vesting in and set aside by the municipality as a public camping or caravan park site or a similar facility approved by the municipality on private land;

"camping permit" means a document printed and issued by the municipality for the purposes contemplated in this by-law or the municipality's officials receipt issued against payment of the prescribed camping charges;

"camping site" means any part of a camping area, demarcated or assigned for the purpose of camping thereon;

"caravan" means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such a vehicle is a trailer;

"control official" a person appointed by the municipality to exercise control over admission to a public amenity;

"day camping" means camping on a public amenity within the hours set aside by the municipality by notice in terms of section 6 for such purpose;

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

"erect" in relation to a notice board means construct, post, affix or place;

"garden" means any piece of land under the control of the municipality and maintained by it as a garden for the use of by the public;

"Liquor" means-

- (a) a liquor product, as defined in section 1 of the Liquor Products Act, 1989;
- (b) beer or traditional African beer; or
- (c) any other substance or drink declared to be liquor under section 42(2)(a) of the Liquor Act, 2003;

"mobile home" means a factory assembled structure approved by the municipality with the necessary service connections made so as to be movable on site and designed to be used as a permanent dwelling;

"municipality" means the Municipality of George established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political

office bearer, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or subdelegated to such political structure, political office bearer, agent or employee; **“Municipal Manager”** means a person appointed in terms of section 54A of the Local Government: Municipal Systems Act, 32 of 2000;;

“nature reserve” means a nature reserve established as a local nature reserve by the George Municipality in terms of section 7(1) of Ordinance 19 of 1974;

“notice board” includes a sign, poster or other device on which the municipality displays information;

“person” includes an association or organisation;

“public amenity” means –

- (a) any land, commonage, square, camping area, caravan park, beach, swimming pool, public open space, public resort, recreation site, river, dam, nature reserve, zoo-logical, botanical or other garden, or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not, but excluding a public road or street;
- (b) a building, structure, hall room or office, including any part thereof or any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission of fees or not; and
- (c) a public amenity contemplated in paragraphs (a) and (b) if it is lawfully controlled or managed in terms of an agreement between a person and the municipality;

“public gathering or procession” means a procession or gathering of more than 10 people;

“public place” means any square, building, park, recreation ground or open space which:–

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

“vehicle” means any device driven by mechanical, animal, natural or human power, and includes any craft or aircraft, but does not include a wheeled chair or a device drawn or propelled by hand and used solely for the conveyance of a child or invalid.

2. Principles and objectives

The municipality adopts this By-law with the aim of controlling access to and use of all public amenities owned by or under the control of the municipality.

CHAPTER I GENERAL PROVISIONS RELATING TO PUBLIC AMENITIES

3. Number of visitors

The municipality may determine –

- (a) the maximum number of persons or vehicles that may be in or at a public amenity at any time; and
- (b) different classes of vehicles that may be in or at a public amenity at any time and it may differentiate between public amenities.

4. Admission to and control over activities in a public amenity

- (1) The municipality may determine the times, dates and conditions under which a public amenity is open to the public and having due regard to section 6(1)(a)
- (2) The municipality may determine the activities that may or may not be undertaken in a public amenity and these include, but are not limited to -
 - (a) the driving of a motor vehicle and different classes of motor vehicles in a public amenity;
 - (b) kite flying, wind surfing, kite surfing and water sport activities or the use of boats or other jet propelled craft on any dam or beach under the control of the municipality;
- (3) The municipality may grant to any person or persons, during such hours and for such period as he or she may deem fit, the exclusive use of a public amenity for games, a public meeting, fete, show or other function or entertainment.
- (4) The municipality may for reasons of maintenance, development, security, safety or public health, temporarily or permanently –
 - (a) close a public amenity or a portion thereof, or
 - (b) suspend all or any activities thereon.
- (5) Where a person in a public amenity has committed an offence in terms of this by-law, an official may order such person to leave the public amenity, and a person ordered to leave must leave the amenity by the shortest route available to the public;
- (6) Where an authorised officer on reasonable grounds suspects that a person wishing to enter a public amenity intends to commit an offence in or at the public amenity, he or she may refuse entry to such person.

5. Entrance fees

- (1) The municipality may levy different entrance fees and issue entrance tickets in respect of persons of different ages, groups of persons, or different classes of vehicles and grant concessions in respect of entrance fees payable.
- (2) Entrance fees are payable at the entrance to a public amenity, except where another fee is indicated on a notice board in terms of section 6(1).
- (3) An entrance ticket contemplated in subsection (1) is valid for the period contemplated in subsection (4).
- (4) An entrance fee is payable in respect of each day or portion thereof during which a person, group or vehicle is in a public amenity, provided that no fee is payable for

the day on which such public amenity is left, if the amenity is left before 10:00 on such day and if the day is not the day of arrival.

- (5) No fee contemplated in subsection (1) is repayable where any portion of the period in respect of which such fee has been paid has not been or cannot be utilised, provided that the fee which has been paid in respect of each full day which has not been utilised may, with the approval of the municipality, be repaid upon application, and for the purposes of this subsection “full day” means a period of 24 hours commencing at 10:00 of any day.
- (6) An official may require any person in a public amenity to produce the entrance ticket issued in terms of subsection (1), and a person who fails to produce such ticket, or a person who enters a public amenity without having paid the entrance fee commits an offence.

6. Notice boards

- (1) The municipality may erect a notice board at the entrance to or in the immediate vicinity of a public amenity, on which any of the following are displayed:
 - (a) The times, dates and conditions of entry and activities that may be undertaken;
 - (b) the fees payable; and
 - (c) a notice of closure referred to in section 4(4).
- (2) No person other than an official or other person authorised to do so in this bylaw may move or alter the contents of, and no person may deface or otherwise tamper with a notice board erected by the municipality.
- (3) A notice posted by municipality in terms of subsection (1) may contain a graphic representation to convey meaning.
- (4) A person who contravenes any of the provisions of this section commits an offence.

7. Consent required for certain activities

- (1) No person may, without the prior written consent of the municipality at, in or upon a public amenity –
 - (a) arrange, hold, present or attend –
 - (i) a public entertainment;
 - (ii) a meeting;
 - (iii) a public gathering or procession, exhibition or performance; or
 - (iv) an auction;
 - (b) collect money or any other goods;
 - (c) display or distribute a pamphlet, placards, painting, book, handbill or a printed, written or painted work; or
 - (d) engage in any form of trade.
- (2) No person may at or in a public amenity undertake or perform any activity in contravention of a notice board erected in terms of section 6(1).
- (3) No person may without the prior written consent of the municipality erect or establish any fence, structure, dam, shelter or anything else and a person who has

- obtained such consent may only erect such fence, structure, dam, shelter or anything else at a designated area set aside for this purpose.
- (4) No person may, without the prior written consent of the municipality bring into, or have in his or her possession in a public amenity a firearm, and the municipality may grant consent in the following instances only:
 - (a) for the firing of blank cartridges during organised competitions or sports meetings;
 - (b) in connection with the collection of specimens of marine life or birds or animals for scientific purposes;
 - (c) for the lawful culling of a whale, dolphin, or animal; or
 - (d) to signal distress in the instance where a proposed activity may require distress signal to be given by means of a firearm.
 - (5) A person who wishes to obtain the consent of the municipality as contemplated in subsection (1) must complete and submit the prescribed form, and the municipality may refuse or grant consent subject to any conditions it deems necessary and subject to the prescribed fee having been paid, and a person who wishes to sell food must also comply with any laws relating to the selling of food.
 - (6) A person who has been granted consent in terms of subsection (5) must at all times keep the consent form in his or her possession, and must produce the form on request of an official.
 - (7) A person who contravenes a provision of subsection (1) or (2) commits an offence.

8 Use of public amenities

The municipality may enter into an agreement with any person in terms of which a public amenity or any part thereof may temporarily be used for the purposes and subject to the conditions set out in the agreement.

9. Permit

- (1) Notwithstanding the provisions of section 4, 5(1), 5(3), and 6(1), the municipality may, on application and subject to any conditions it may impose, issue, free of charge or otherwise, a permit –
 - (a) to a group of people, such as, but not limited to, a group of bona fide students; or
 - (b) to a person who is undertaking scientific, educational or similar research.
- (2) The holder of a permit issued in terms of subsection (1) may –
 - (a) if he or she is the holder of a valid hunting licence, hunt, catch, kill or remove, fauna under the supervision, control and in accordance with the instructions of an official;
 - (b) pick, collect or remove fauna;
 - (c) take or remove anything of historical or scientific importance;
 - (d) have in his or her possession diving equipment, a weapon, trap, poison or a gardening tool, living or dead fauna or flora;
 - (e) remove any flora or carcass which has been plucked or hunted only if the official has –
 - (i) inspected such flora or carcass;
 - (ii) considered it necessary or desirable, measured the dimensions or mass, or taken a sample of such flora or carcass; and

- (iii) in writing authorised the permit holder to remove such flora or carcase; or
 - (iv) excavate soil, sand or stone or remove organic or inorganic objects.
- (3) The holder of a permit must, on arrival at the public amenity, display such permit to the control official, and a person who fails to do so, commits an offence.
- (4) The holder of a permit who undertakes an activity in contravention of a condition imposed commits an offence.

10. Prescribed fees

The municipality may determine fees payable in terms of this By-law.

11. Animals

- (1) No person may in contravention of any prohibitions displayed on a notice board bring any animal into the public amenity.
- (2) A person who is permitted to bring an animal upon a public amenity must have direct and physical control over the animal by means of a leash or other device, and may not bath, wash or allow such animal to enter or remain in any pond, fountain or ornamental water and must remove any excrement or other waste left by such animal before leaving the amenity.
- (3) Any animal not under the control or apparently not under the control of a person, may, if found in or on a public amenity be impounded by the municipality and removed to a pound where it may be dealt with in terms of the by-law relating to the impoundment of animals.
- (4) A person who contravenes a provision of subsection (1) or (2) commits an offence.

12. Prohibited behaviour

- (1) No person –
- (a) who is drunk or under the influence of any drug may enter or remain in a public amenity, and such person will not be admitted to a public amenity;
 - (b) may in or at a public amenity –
 - (i) break, damage, destroy, tamper with, remove, misuse, disfigure or use anything or fail to observe an instruction by the municipality;
 - (ii) throw or roll a rock, stone or object;
 - (iii) except if authorised to do so under section 9(2)(b), pull out, pick, cut or damage any flora growing in the amenity, or have such flora in his or her possession;
 - (iv) walk on a flowerbed;
 - (v) walk, stand, sit or lie on grass in contradiction with a notice;
 - (vi) write, paint, draw graffiti or a symbol, emblem or the like on a structure or path;
 - (vii) excavate soil, sand or stone or remove organic or inorganic objects; except if authorised to do so in terms of section 9;
 - (viii) interfere with water flow, obstruct water, divert a stream or drain a wetland;

- (ix) deface or disfigure anything provided by the municipality by pasting or affixing in any way any bills, papers, placards, notices or anything else;
 - (x) wash, polish or repair a vehicle, except emergency repairs;
 - (xi) burn refuse;
 - (xii) litter or dump any refuse, garden refuse or building materials;
 - (xiii) wash crockery or laundry or hang out clothes, except at places indicated by notice for that purpose;
 - (xiv) use or try to use anything provided by the municipality in an amenity for a purpose other than that for which it is designed or determined by notice;
 - (xv) dispose of any burning or smouldering object;
 - (xvi) behave or conduct himself or herself in an improper, indecent or unbecoming manner;
 - (xvii) defecate, urinate or undress, except in such building or on premises intended for that purpose;
 - (xviii) lie on a bench or seating place provided by the municipality or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (xix) play or sit on play-park equipment, except if the person concerned is a child under the age of 13 years;
 - (xx) swim, walk or play in a fish-pond, fountain, dam, river, artificial feature or pond; in contravention with a notice prohibiting such action;
 - (xxi) having an open wound on his or her body, enter any bath provided by the municipality;
 - (xxii) perform any act that may detrimentally affect the health of another person;
 - (xxiii) enter or use a toilet facility indicated by notice for use by members of the opposite sex;
 - (xxiv) stay or sleep over night other than in terms of section 14;
 - (xxv) hunt, injure, disturb, feed, kill, hurt, follow, disturb, ill-treat or catch an animal, or displace, disturb, destroy or remove a bird, nest or egg, or skin or gut an animal, except if authorised to do so under section 9(2);
 - (xxvi) discharge a firearm, airgun or pistol, except if consent has been granted in terms of section 7(4);
 - (xxvii) discharge a bow or use a slingshot or catapult;
 - (xxiii) in any way whatsoever prejudice the safety, convenience or rights of other persons;
 - (xxix) play or conduct a game in a manner that causes annoyance or endangers public safety;
 - (xxx) expose his or her body or clothe indecently; or
 - (xxxi) discard of a burning or smouldering object or throw it out of a vehicle;
- (c) may enter –
- (i) or leave a public amenity other than by way of the official entry and exit point;
 - (ii) a public amenity without having paid the entrance fees as contemplated in section 5(1);

- (d) may release or introduce any wild animal, fish, bird or flora into a public amenity;
 - (e) may, in inland waters –
 - (i) swim, catch fish or otherwise or angle if not authorised to do so in terms of a notice board erected in terms of section 6(1);
 - (ii) catch fish with a net;
 - (iii) feed any fish without approval of the municipality;
 - (iv) wash himself or herself or clean anything;
 - (f) may use any craft on inland waters at any place other than that which has been indicated on a notice board erected in terms of section 6(1);
 - (g) may bring any form of liquor into a public amenity.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

13. Vehicles

- (1) No person may bring into a public amenity any truck, bus, motor vehicle, motor cycle, quad bike, bicycle or any other vehicle except in accordance with the directions of the municipality.
- (2) Where a person is permitted to drive a vehicle in a public amenity he or she may not –
 - (a) travel with the vehicle elsewhere than on a road constructed by the municipality;
 - (b) drive the vehicle at a speed in excess of the speed indicated on a notice board erected by the municipality.
- (3) The provisions of subsection (1) do not apply to an emergency vehicle while lawfully in use as such, or a vehicle used in an emergency, or a vehicle used by an official in the discharge of his or her duties while acting in an emergency.
- (4) A person who contravenes a provision of subsections (1) and (2) commits an offence.

14. Camping

- (1) No person may camp on any land belonging to or which is under the control of the municipality except on a camping site within the boundaries of a camping area.
- (2) No person may camp in a camping area whether continuous or otherwise for a period exceeding three months in any period of twelve months without the written consent of the municipality.
- (3) The municipality may grant or refuse such an application subject to such conditions and for such period as it may deem fit but not for any period in excess of a further three consecutive months.
- (4) The occupier of a camping site must be the person whose name appears on the camping permit and he or she may not sublet, cede, dispose of or in any manner alienate his or her rights thereunder.
- (5) Reservation of camping sites will only be considered upon receipt of a written application.
- (6) The municipality may determine conditions additional to those contained in this by-law for the use of camping sites that fall under the control of the municipality.
- (7) The municipality may determine conditions for the establishment of private camping facilities.

- (8) An authorised officer who reasonably suspects that a mobile home, caravan, vehicle, tent or other temporary structure is being used or intended to be used in contravention of subsection (1) may, subject to subsections (9) and (10) impound such mobile home, caravan, vehicle, tent or other temporary structure after a verbal order has been given to the persons occupying, or reasonably suspected of occupying, such mobile home, caravan, vehicle tent or other temporary structure to remove such property;
- (9) An authorised officer who acts under subsection (8) must issue to the person or persons who acts or act in contravention of subsection (1) a receipt for the property so impounded and the receipt must contain the following particulars:
 - (a) the address where the impounded property will be kept and the period it will be kept;
 - (b) the conditions for the release of the impounded property; and
 - (c) that unclaimed property will be sold by public auction.
- (10) An authorised officer may take such steps as may be necessary to remove the impounded property when a person who contravened subsection (1) fails to comply with an order to remove such property.
- (11) A person who contravenes a provision of subsections (1), (2) and (4) or any condition imposed by the municipality in terms of subsections (6) and (7), or an order given by an authorised officer in terms of subsection (8), commits an offence.

15. Caravan parks

- (1) Notwithstanding the provisions of section 13(1) the municipality may allocate ten percent (10%) of the sites in a caravan park to be permanently occupied by caravans or mobile homes.
- (2) The municipality may determine conditions for the establishment of private caravan parks.
- (3) The municipality may determine conditions additional to those contained in this by-law for the use of caravan parks that fall under the control of the municipality.
- (4) Any person who contravenes or fails to comply with any condition imposed in terms of sub sections (2) and (3) commits an offence.

CHAPTER II: MISCELLANEOUS PROVISIONS

16. Powers of authorised officers

- (1) The authorised officer appointed by the municipality to monitor and enforce this By-law may investigate any act or omission which on reasonable suspicion may constitute an offence, and a person commits an offence if he or she -
 - (a) threatens, resists, hinders or obstructs, or uses foul, abusive or insulting language towards or at an official in the exercise of his or her powers or execution or his or her duties; or
 - (b) falsely holds himself or herself out to be an official;
 - (c) furnishes false or misleading information when complying with a request of an authorised officer; or
 - (d) fails to comply with a request or order of an authorised officer .

- (2) An authorised officer has the power to confiscate any liquor brought into a public amenity in contravention of section 12(1)(g) and any person resisting or preventing such authorised officer to exercise his/her powers in terms of this section is guilty of an offence.
- (3) Liquor confiscated in terms of subsection (2) shall be destroyed in a manner as determined by the municipal manager.

17. Appeal

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

18. Offences and Penalties

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

19. Limitation of liability

The municipality is not liable for any damage or loss caused by –

- (a) the exercise of any power or the performance of any duty in good faith under this By-law; or
- (b) the failure to exercise any power, or perform any function or duty in good faith under this By-law.

20. Authentication and service of notices and other documents

- (1) A notice issued by the municipality in terms of this By-law is deemed to be duly issued if it is signed by an authorised officer of the municipality.
- (2) Any notice or other document that is served on a person is regarded as duly served –
 - (a) when it has been delivered to that person personally;
 - (b) in the event of a transgression of section 14, when it has been posted on the outside of a mobile home, caravan, vehicle, tent or other temporary structure;
 - (c) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (d) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;

- (e) 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);
 - (f) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (g) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - (h) when it has been delivered, at the request of that person, to his or her email address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

21. Presumption

In any prosecution under this by-law it shall be presumed, unless the contrary is proved, that an animal found in a public amenity was brought into the amenity by the owner thereof or a person under the control of the owner, or that the owner or the person allowed the animal to enter the amenity.

22. Entering into agreements

The municipality may enter into a written agreement with any person, organ of State, local community or organisation to provide for –

- (a) the co-operative development of any public amenity; or
- (b) the co-operative management of any public amenity; and
- (c) the regulation of human activities within a public amenity.

23. Liaison forums in community

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
- (a) creating conditions for a local community to participate in the affairs of the municipality;
 - (b) encouraging a local community to participate in the affairs of the municipality; and
 - (c) promoting the effective and safe use of public amenities.
- (2) A liaison forum may consist of –
- (a) a member or members of an interest group, or an affected person;
 - (b) a member or members of a community in whose immediate area a public amenity exists;
 - (c) a designated official or officials of the municipality; and
 - (d) the councillor responsible for public amenities.

- (3) (a) The municipality may, when considering an application or registration in terms of this By-law request the input of a liaison forum.
- (b) A liaison forum or any person or persons contemplated in subsection (2) may, on own initiative submit an input to the municipality for consideration.

24. Repeal of by-laws

The Public Amenities By-law of the George Municipality published in Provincial Gazette 6816 dated 30 November 2010 is hereby repealed.

25. Short title and commencement

This By-law may be cited as the George Municipality: Public Amenities By-law and commences on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY

BY-LAW RELATING TO THE PREVENTION OF PUBLIC NUISANCES

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.10, resolved to pass the By-Law Relating to the Prevention of Public Nuisances as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

BY-LAW RELATING TO THE PREVENTION OF PUBLIC NUISANCES

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1. Definitions

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

“**authorised official** ” means an employee of the municipality or any other person who is appointed or authorised thereto by the municipality to perform any act, function or duty related to the provisions of this by-law, or exercise any power in terms of this by-law and includes

- (a) a traffic officer appointed in terms of section 3 of the National Road Traffic Act No. 93 of 1996;
- (b) a member of the South African Police Service;
- (c) a peace officer contemplated in section 334 of the Criminal Procedure Act, No. 51 of 1977;

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

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

“municipal manager” means the person appointed by the municipality in terms of Section 54A of the Municipal Systems Act, Act 32 of 2000, or such person acting in his/her position or to whom any power in terms of this By-law was delegated;

“premises” means—

- (a) land or a portion of land, including a public place, whether or not a building or structure has been constructed or erected on such land or portion thereof; or
- (b) a building, structure, tent or caravan and the land on which it is situated and includes any vehicle, carriage, ship or boat;

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

“nuisance” has the same meaning;

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

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

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

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

2. Objectives and application of by-law

The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the George area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions.

GENERAL PROVISIONS RELATING TO PUBLIC NUISANCES

3. Behaviour and conduct

- (1) No person may—
 - (a) do work on or use any premises in such a manner that it interferes with the convenience or comfort of other people or that it becomes a source of danger to any person;
 - (b) subject to any approval in terms of the relevant Town Planning Scheme Regulations, carry on any trade, business, profession or hobby which causes discomfort or annoyance to other people;
 - (c) deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse, building rubble, garden refuse or thing which is offensive or likely to cause annoyance, danger or injury to persons;
 - (d) allow the fencing of any premises to fall into a state of disrepair or to become unsightly or dilapidated;
 - (e) allow any building or structure or any portion thereof to fall into a dilapidated, neglected or unsightly state;
 - (f) use any stoep, verandah or alley of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying or keeping articles or merchandise;
 - (g) enclose any stoep or verandah of any shop or business premises by any means otherwise than by such means as approved by the municipality;
 - (h) disturb the comfort, convenience, peace or quiet of other people by the use of electrical appliances or machinery whether malfunctioning or not;
 - (i) defoul, misuse or damage public toilets;
 - (j) carry or convey in any street or public place, any objectionable material or thing, which is or may become offensive or dangerous, unless such material or thing is suitably covered;
 - (k) allow any erf to be overgrown to such an extent that it may be used as a shelter by vagrants, wild animals or vermin or may threaten the safety of any member of the community;
 - (l) erect, or allow to be erected or use on any premises any structure in a manner that causes a nuisance to people; or
 - (m) by an action allow that a nuisance be created or continued;
 - (n) bathe or wash him- or herself or any animal, article or clothing

- in a public stream, pool, water trough, hydrant, fountain or at any place which has not been set aside by the municipality for such purpose;
- (o) at any time disturb the public peace by making unseemly noises in any manner whatsoever;
 - (p) cause a nuisance by-
 - (i) loitering, sleeping or overnighing in or on any street, premises or public place;
 - (ii) being drunk or under the influence of drugs;
 - (iii) soliciting or importuning any person for the purposes of prostitution or any other immoral act;
 - (iv) continuing to beg from a person or closely follow a person after such person has given a negative response to such begging;
 - (v) playing loud music or the use of music instruments on any premises;
 - (q) advertise wares or services by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells;
 - (r) in any street or public place use any abusive or threatening language;
 - (s) cleanse or wash any vehicle or part in any street or public place;
 - (t) discharge any fire-arm, airgun or air pistol on any premises except premises or land zoned for agricultural purposes and which does not form part of a general plan for a township.
- (2) In the event of a contravention of subsection 1, the municipality may issue a notice to the owner, occupier or alleged offender to terminate the action or to abate the nuisance created.
- (3) In the event of non-compliance with such order and without prejudice to the municipality's right to prosecute, the municipality may take the necessary steps to remove the cause or source of the nuisance and any costs incurred in connection therewith may be recovered from the person responsible for the nuisance or the owner or occupier of the premises, whether or not such owner or occupier is responsible therefor.
- (4) For the application of this by-law, any action or condition on any premises that endangers the safety of any person or property or which is untidy, annoying, troublesome, offensive or disturbing to the peace of other people, shall be considered a public nuisance.
- (5) Any person who contravenes or fails to comply with any provisions of this section or fails to comply with any notice lawfully given there under is guilty of an offence.

4. Right of entry, inspection and confiscation

- (1) Any duly authorised official of the municipality may inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this by-law; provided that a private dwelling may not be entered for routine inspection purposes.
- (2) When entering premises in terms of subsection (1), the authorized official must on request by any person, identify him- or herself by producing written proof of authorisation.
- (3) The authorised official may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) Any person who fails to give or refuses access to any authorised official, or obstructs or hinders him or her in the execution of his or her duties under this by-law, or who fails or refuses to give information that he or she may lawfully be required to give to such official, or who gives false or misleading information knowing it to be false or misleading, commits an offence.
- (5) An authorised official may confiscate any material used to commit an offence in terms of this By-law and shall dispose of such material in the manner determined by the municipal manager.

5. Service of documents and process

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

her but it will be sufficient if he or she is described as the owner, occupier or holder of a right.

6 Appeal

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

7 Offences and Penalties

- (1) A person who transgresses any stipulation of this By-law is guilty of an offence.
- (2) A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to:
 - 2(1) a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or;
 - 2(2) to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment and a further amount equal to any costs and expenses incurred by the municipality as result of any contravention, or;
 - 2(3) to a sentence of community service as determined by the magistrate in consultation with the municipality.

8 Repeal of by-laws

The provisions of the George Municipality By-law Relating to Prevention of Public Nuisances and Public Nuisances Arising from the Keeping of Animals promulgated in Provincial Gazette 6816 dated 30 November 2010, is hereby repealed

9 Short title and commencement

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

GEORGE MUNICIPALITY

CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.9, resolved to pass the Customer Care, Credit Control and Debt Collection By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION BY-LAW

WHEREAS Section 156(2) of the Constitution authorises a municipality to make and administer By-laws; and

WHEREAS sections 95, 96, 97 and 98 of the Municipal Systems Act, 2000 makes provision for customer care and management, the debt collection responsibility of a municipality by means of a policy and the adoption of a By-law to give effect to such policy;

NOW THEREFORE IT IS ENACTED by the Council of the George Municipality as follows:

1. DEFINITIONS

(1) In this By-law, unless context indicates otherwise-

“arrangement” means a written agreement entered into between the Municipal Manager and a debtor where specific terms and conditions for the payments of a debt are agreed to;

“arrears” means any amount due and payable to the Municipality and not paid by the due date;

“Council” means the council of the Municipality of George;

“debt” means any monies owing to the Municipality in respect of the rendering of municipal services, and includes monies owing in regard to property rates, housing, motor vehicle registration and licensing, terminated leases, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

“debtor” means any person who owes a debt to the Municipality;

“due date” means the final date on which a payment, as shown on the debtor’s municipal account, is due and payable;

“indigent debtor” means a debtor who meets certain criteria, as determined by the Municipality and included in the Indigent Policy from time to time;

“interest” means a rate of interest, charged on overdue accounts, which is one percent higher than the prime rate, which is obtainable from any commercial bank on request, unless determined

otherwise by the Municipality, on capital, based on a full month and part of a month must be deemed to be a full month;

“Municipality” means the Municipality of George duly established in terms of Section 12 of the Municipal Structures Act, 117 of 1998;

“Municipal Manager” means the person appointed by the Council as the Municipal Manager in terms of section 54A of the Local Government: Municipal Systems Act, and who also is the accounting officer in terms of the Local Government: Municipal Finance Management Act, No 56 of 2003, or any other official delegated by him or her;

“official” means an **“official”** as defined in section 1 of the Local Government: Municipal Finance Management Act, No 56 of 2003;

“policy” means the Municipality’s Customer Care, Credit Control and Debt Collection policy;

“service” means a “municipal service” as defined in section 1 of the Systems Act, and includes a function listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality;

“Systems Act” means the Local Government: Municipal Systems Act, No 32 of 2000;

“third party debt collector” means any person persons authorised to collect monies or institute legal proceedings against debtors, on behalf of the Municipality;

“this By-law” includes the Customer Care, Credit Control and Debt Collection Policy;

“total household income” or **“household income”** means the total formal and informal gross income of all people living permanently or temporarily on the property on which the account is based; and

“user” means a person who has applied for an entered into an agreement with the Municipality for the supply of a service.

2. OBJECTIVE

The objective of this By-law is to give effect to the implementation of the Customer Care, Credit Control and Debt Collection Policy, as contemplated in Section 98 of the Systems Act.

3. ADOPTION AND IMPLEMENTATION OF CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY

- (1) The municipality shall adopt and implement a Customer Care, Credit Control and Debt Collection Policy and any other applicable legislation.
- (2) The municipality have a duty to collect all debt owing to the municipality in accordance with this by-law and policy.

4. PROVISION OF SERVICES

New applications for services and the provision of new services must be dealt with as prescribed in this By-Law and the policy.

5. SERVICE AGREEMENT

Except as otherwise determined in terms of this By-law and the policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.

6. DEPOSITS

The Municipality may require the payment of deposits for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed in this By-law and the policy.

7. INTEREST CHARGES

The Municipality may charge and recover in respect of any arrear debt, as prescribed in this By-law and the policy.

8. ARRANGEMENTS TO PAY ARREARS

- (1) The Municipal Manager may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.
- (2) Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

9. AGREEMENTS WITH A DEBTOR'S EMPLOYER

The Municipal Manager may-

- (a) with the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor-
 - (i) any outstanding amounts due by the debtor 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) debtors to consent to such agreements.

10. POWER TO RESTRICT OR DISCONNECT SUPPLY OF SERVICE

- (1) The Municipal Manager may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service-
 - (a) fails to make payment on the due date;
 - (b) fails to comply with an arrangement; or
 - (c) fails to comply with a condition of supply imposed by the Municipality;
 - (d) tenders a negotiable instrument which is dishonoured by the bank, when presented for payment.
- (2) The Municipal Manager may reconnect and restore full levels of supply of any of the restricted or discontinued services only-
 - (a) after the arrear debt, including the costs of disconnection or reconnection, if any, have been paid in full and any other conditions has been complied with; or
 - (b) after an arrangement with the debtor has been concluded.
- (3) The Municipal Manager may restrict, disconnect or discontinue any service in respect of any arrear debt.

11. RECOVERY OF DEBT

Subject to section 9, Municipal Manager, with regards to all debt must-

- (a) by legal action recover any debt from any person; and
- (b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996; and
- (c) may refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.

12. RECOVERY OF COSTS

The Municipal Manager may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality-

- (a) cost and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this By-law;

- (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.

13. ATTACHMENT

The Municipal Manager may, in order to recover debt, and as a last resort, approach a competent court for an order to attach a debtor's movable or immovable property.

14. CLAIM ON RENTAL FOR OUTSTANDING DEBT

The Municipal Manager may, in terms of section 28 of the Municipal Property Rates Act, No 6 of 2004, attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date. Services may be restricted to ensure compliance.

15. FULL AND FINAL SETTLEMENT PAYMENTS

- (1) Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Municipality.
- (2) No offer of payment in full and final settlement of a debt, when such amount is less than the outstanding amount, must be accepted.
- (3) Notwithstanding subsection (2), the payment so offered must nevertheless be credited against the debtor's account, without prejudice to the Municipality's rights.

16. CONSOLIDATION OF A DEBTOR'S ACCOUNTS

- (1) The Municipal Manager may-
 - (a) consolidate any separate accounts of a debtor;
 - (b) credit a payment by a debtor against my account of that debtor; and
 - (c) implement any of the measures provided for in this By-law and the policy, in relation to any arrears on any of the accounts of such debtor.
- (2) Subsection (1) does not apply where there is a dispute between the Municipality and a debtor referred to in that subsection concerning any specific amount claimed by the Municipality from that person.

17. INDIGENTS

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

18. DELEGATION

The Municipal Manager may delegate any of his or her powers in terms of this By-law or the policy to any employee or official of the Municipality subject to applicable legislation.

19. OFFENCES AND PENALTIES

Any person who-

- (a) obstructs or hinders any official of the Municipality in the execution of his or her duties under this By-law or the policy;
- (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
- (c) tampers with any Municipal equipment or breaks any seal on a meter;
- (d) contravenes or fails to comply with the provisions of this By- Law or the policy; or
- (e) fails to comply with a notice served in terms of this By-law or the policy, is guilty of an offence and liable in conviction to a penalty.

20. REPEAL OF BY-LAWS

The George Municipality Customer Care, Credit Control and Debt Collection By-law promulgated in Provincial Gazette 8006 dated 21 November 2018, is hereby repealed.

21. SHORT TITLE AND COMMENCEMENT

This By-Law is referred to as the Customer Care, Credit Control and Debt Collection By-Law and commences on the date of publication thereof in the Provincial Gazette.

GEORGE MUNICIPALITY

PROPERTY RATES BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.9, resolved to pass the Property Rates By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

PROPERTY RATES BY-LAW

George Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of (no 4.2 of the resolution) adopted the Municipality's Property Rates By-law set out hereunder.

GEORGE MUNICIPALITY

PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a Municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the Municipality.

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution require a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province.

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a Municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the George Municipality, as follows:

1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipality Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

'Municipality' means the George Municipality duly established in terms of Section 12 of the Municipal Structures Act, 117 of 1998;

‘Customer Care, Credit Control and Debt Collection Policy’ means the Municipality’s Credit Control and Debt Collection Policy made in terms of section 96(b) of the Systems Act;

‘Property Rates Act’ means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

‘Rates Policy’ means the George Local Municipality’s property rates policy adopted by Council in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

2. OBJECTIVES

The Object of this by-law is to give effect to the implementation of the Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. RATES POLICY

The Municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the Municipality’s rating practices; therefore, it is not necessary for this By-law to restate and repeat same. The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated. The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available at:

The Finance Department, First floor, Municipal Offices, York Street, George;

All libraries within the Municipality of George; and the
Municipal website.

4. CATEGORIES OF RATEABLE PROPERTIES

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

5. CATEGORIES OF PROPERTIES AND CATEGORIES OF OWNERS OF PROPERTIES

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

6. ENFORCEMENT

The Municipality's Rates Policy shall be enforced through the Credit Control and Debt Collection Policy and further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

7. REPEAL

The Municipality's Property Rates By-Law published in Provincial Gazette No. 7712 dated 9 December 2016 is hereby repealed and replaced with this By-Law.

8. SHORT TITLE AND COMMENCEMENT

This By-law is called the George Local Municipality Property Rates By-law, and takes effect on the date on which it is published in the Provincial Gazette.

GEORGE MUNICIPALITY

TARIFF BY-LAW

NOTICE IS HEREBY GIVEN in terms of Section 13(a) of the Local Government Municipal Systems Act, No.32 of 2000, that the George Municipality at a meeting of Council, held on 29 June 2023, under item 11.9, resolved to pass the Tariff By-Law as set out hereunder.

The said By-Law comes into operation on the date of publication in the *Provincial Gazette* of the Province of the Western Cape.

TARIFF BY-LAW

PREAMBLE

WHEREAS Section 229(1) of the Constitution authorises a municipality to impose:

- a) rates on property and surcharges on fees for service provided by or on behalf of the municipality; and
- b) if authorised by national legislation, other taxes, levies and duties;

AND WHEREAS, in terms of section 75A of the Systems Act a municipality may:

- a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
- b) recover collection charges and interest on any outstanding amount.

AND WHEREAS, in terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation,

AND WHEREAS, in terms of the Municipal Fiscal Powers and Functions Act 12 of 2007, a municipal council can impose municipal surcharges and municipal taxes referred to in section 229 of the Constitution, other than rates on property regulated in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), and municipal base tariffs regulated under the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or sector legislation.

AND WHEREAS a municipal council must in terms of section 75(1) of the Systems Act, adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS in terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(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.

NOW THEREFOR IT BE ENACTED by the council of the George Municipality, as follows:

1. DEFINITIONS

In this By-law, the meanings of words are as follows, unless the context otherwise indicates-

- **“tariff policy”** means a tariff policy adopted in terms of this By Law;
- **“Constitution”** means the Constitution of the Republic of South- Africa;
- **“Credit Control and Debt Collection By-Law and Policy”** means the Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;
- **“Systems Act”** means the Local Government: Municipal Systems Act, 32 of 2000;
- **“tariff”** means fees, charges, or any other tariffs levied by the municipality in respect of any function or service provided by the municipality , excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.
- **“municipality”** means the George Municipality duly established in terms of Section 12 of the Municipal Structures Act, 117of 1998

2. OBJECTIVE

The objective of the bylaw is to give effect to the implementation of the Tariff Policy, as contemplated in section 75 of the Systems Act.

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- (1) The municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.
- (2) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. CONTENTS OF TARIFF POLICY

The Municipality’s tariff policy shall, *inter alia*:

- (1) apply to all tariffs imposed by the municipality pursuant to the adoption of the municipality’s annual budget;

- (2) reflect the principles referred to in section 74(2) of the Systems Act and specify any further principles for the imposition of tariffs which the municipality wishes to adopt;
- (3) specify the manner in which the principles referred to in section 4(2) are to be implemented in terms of the tariff policy.
- (4) specify the basis of differentiation, if any, for tariff purposes between different categories of users, debtors, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;
- (5) include such further enforcement mechanisms, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

5. ENFORCEMENT OF TARIFF POLICY

The Municipality's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the municipality's tariff policy.

6. REPEAL OF BY_LAWS

The George Municipality Tariff By-law promulgated in Provincial Gazette Extraordinary 8006 dated 21 November 2018 is hereby repealed.

7. OPERATIVE DATE

This By-law shall take effect on 1 July 2023.