

2010/2011  
ENDUMENI TURNAROUND STRATEGY  
REPORT 1<sup>ST</sup> QUARTER  
ACTION PLAN

5. *Financial Report*

No.	Priority Turn Around Focal Area	Capacity Assessment Findings	March 2010 (Current Situation/ Baseline) Intervention Logic	Target for December 2010 (Changed Situation)	Municipal Action	Unblocking Action Needed from other Spheres and Agencies (e.g. interventional or technical support)	Start Date	End Date	Means of Verification for each activity/ process	Human Resource allocated	Budget (,00)		Quarterly Progress
											Allocated	Projected	
<b>5.FINANCIAL REPORTING</b>													
				<b>6.1</b>	Validate enhancement solutions	NA	March 2010	30 December 2010	Council resolutions	CFO	R00 000	R00 000	Performance Status as at 23 July 2010 See Council Resolution C 01/19/07/10-7 Organizational performance management system A copy of Report appended
			Cost Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A=(B+C)/D)										

<b>Budget (,000)</b>	<b>Projected</b>	R00 000
	<b>Allocated</b>	R00 000
<b>Human Resource allocated</b>		CFO
<b>Means of Verification for each activity/ process</b>		Council resolutions
<b>End Date</b>	30 December 2010	
<b>Start Date</b>	March 2010	
<b>Unblocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)</b>		NA
<b>Municipal Action</b>		Validate enhancement solutions
<b>Target for December 2010 (Changed Situation)</b>	17.1	
<b>March 2010 (Current Situation/ Baseline) Intervention Logic</b>	Debt Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A=(B-C)/D)	
<b>Capacity Assessment Findings</b>		
<b>Priority Turn Around Focal Area</b>		
<b>No.</b>		
<b>Quarterly Progress</b>	Performance Status as at 23 July 2010 See Council Resolution C 01/19/07/10-7 Organizational performance management system A copy of Report appended	



No.	Priority Turn Around Focal Area	Capacity Assessment Findings	March 2010 (Current Situation/ Baseline) Intervention Logic	Target for December 2010 (Changed Situation)	Municipal Action	Unblocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)	Start Date	End Date	Means of Verification for each activity/ process	Human Resource allocated	Budget (,00)		Quarterly Progress
											Allocated	Projected	
			% collections against amounts raised for rates and taxes	75%	Validate enhancement solutions	NA	March 2010	30 December 2010	Council resolutions	CFO	R00 000	R00 000	Performance Status as at 23 July 2010 See Council Resolution C 01/19/07/10-7 Organizational performance management system A copy of Report appended

<b>Budget (,00)</b>	<b>Projected</b>	R00 000	<b>Human Resource allocated</b>	<b>Means of Verification for each activity/process</b>	<b>End Date</b>	<b>Start Date</b>	<b>Unblocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)</b>	<b>Municipal Action</b>	<b>Target for December 2010 (Changed Situation)</b>	<b>March 2010 (Current Situation/ Baseline) Intervention Logic</b>	<b>Capacity Assessment Findings</b>	<b>Priority Turn Around Focal Area</b>	<b>No.</b>	<b>Quarterly Progress</b>
	<b>Allocated</b>	R00 000												
			CFO	Council resolutions	30 December 2010	March 2010		Validate enhancement solutions	80%	% of capital budget spend on projects as set out in the IDP				Performance Status as at 23 July 2010 See Council Resolution C 01/19/07/10-7 Organizational performance management system A copy of Report appended

<b>Budget (,00)</b>	<b>Projected</b>	R00 000
	<b>Allocated</b>	R00 000
<b>Human Resource allocated</b>		CFO
<b>Means of Verification for each activity/process</b>		Council resolutions
<b>End Date</b>	30 December 2010	
<b>Start Date</b>	March 2010	
<b>Unblocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)</b>		
<b>Municipal Action</b>	Validate enhancement solutions	
<b>Target for December 2010 (Changed Situation)</b>	80%	
<b>March 2010 (Current Situation/ Baseline) Intervention Logic</b>	<div style="border: 1px solid black; padding: 5px;">           % collections against amounts raised for rates and taxes         </div>	
<b>Capacity Assessment Findings</b>		
<b>Priority Turn Around Focal Area</b>		
<b>No.</b>		
<b>Quarterly Progress</b>	Performance Status as at 23 July 2010 See Council Resolution C 01/19/07/10-7 Organizational performance management system A copy of Report appended	

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## **ADDENDUM – MUNICIPAL MANAGER'S PORTFOLIO COMMITTEE – 19 JULY 2010**

C 01/19/07/10-7 **ORGANIZATIONAL PERFORMANCE MANAGEMENT  
SYSTEM** [P3/17(a)]

### **REPORT: ACTING MUNICIPAL MANAGER**

In terms of Council Resolution C 04/23/05/05 the Endumeni Municipality have adopted a Performance Management Framework for the Municipality. The Framework has been advertised for public comment in terms of Government Notice No. R796, 24 August 2001. In terms of the Endumeni Municipality PMS Framework there is a requirement that the organizational and Departmental scorecards be submitted to the Executive Committee for consideration and reviewed on a six monthly basis. The reporting should therefore take place in January 2010 (for the period July 2009 to the end of December 2009) and July 2010 for the period January 2010 to the end of June 2010. The Review in July 2010 will coincide with the full year performance assessment as per Section 72 of the MFMA. The Organizational scorecard is appended for the convenience of the Committee as per annexure "A". Departmental Scorecards are further appended as per annexure "B".

The Executive Committee in receiving the Departmental Scorecards submitted to it, will have to ensure the targets committed to have been met, where they are not, that satisfactory and sufficient reasons have been provided by senior management and the corrective action being proposed is sufficient to address the reasons for poor performance. If satisfied with the corrective action as proposed these must be adopted as formal resolutions of Council, minuted and actioned accordingly.

**IT IS**

**RECOMMENDED**

**THAT**

1. The departmental scorecards of the Manager Corporate Services, Chief Financial Officer and Manager Technical Services be adopted in terms of the Endumeni Organizational framework for the period 01 July 2009 to 30 June 2010 as per Section 72 of the MFMA;

2. The Endumeni Organizational scorecard be adopted in terms of the Endumeni Organizational framework for the period 01 July 2009 to 30 June 2010 as per Section 72 of the MFMA;
3. The Reports of Gobodo Pty Ltd External Auditor to Endumeni Municipality, pertaining 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Quarter performance Audit and Minutes of the Endumeni Audit Committee in respect of Endumeni Organizational Performance Review for the period 01 July 2009 to 30 June 2010 be noted.

***Comments: Chief Financial Officer***

No Comment



**ENDUMENI MUNICIPALITY  
ORGANISATIONAL PMS SCORECARD:  
1 JULY 2009**

30 JUNE 2010

**PMS SCORECARD FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010**

MATHSA	LOCAL GOV	IDP OBJECTIVE	IP	TYPE	SOURCE	FREQUENCY	BASELINE	FINANCIAL TARGET	TARGET FOR THE PERIOD (MONTHS)	ACTION FOR THE PERIOD (MONTHS)	ACTUAL FOR THE PERIOD (MONTHS)	REASON FOR PERFORMANCE STATUS	RECOMMENDED CORRECTIVE ACTION	RESPONSIBLE DEPT	
Finances	Cost coverage	To monitor the financial viability of the Endumeni Municipality	Cost Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A=(B×C)/D)	Input	Financial System	Annually	5:1	6:1	6:1	6:1	6:1			Financial Services	
	Debt coverage		Debt Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A=(B-C)/D)	Input	Financial System	Annually	16:1	17:1	17:1	17:1	17:1	17:1			Financial Services
	Service debtors		Outstanding Service Debtors to Revenue as defined in the Municipal Planning and Performance Management Regulations (2001) (A=B/C)	Input	Financial System	Annually	46%	44%	44%	45%	44%	45%			Financial Services
	Integrated development planning	To align the Councils budget with the IDP	% of capital budget spend on projects as set out in the IDP	Input	Financial System	Bi annually	3 500 000	3 500 000	20%	20%	35%			Financial Services	
	Taxes, levies and duties	To effectively collect revenue	% collections against amounts raised for rates and taxes	Input	Consumer Collection Report	Bi annual	70%	75%	73%	73%	62%			Financial Services	
															Financial Services



**ORGANISATIONAL PMS SCORECARD:  
1 JULY 2009 - 30 JUNE 2010**

	Disaster Management	To ensure that the Disaster Management Plan is updated on a regular basis	Progress made with the annual update of the Disaster Management Plan	Outcome	Disaster Management Report	Annually	12 Reports	12	6	6	6	6	6	100%	NIL	Head: Safety & Security
	Fire Fighting Services	To ensure the delivery of a comprehensive fire fighting service in accordance with memorandum of agreement	Report on usage of Endument Fire Equipment	Outcome	Monthly Report	Bi-Annually	12 Reports	12	6	6	6	6	6	100%	NIL	Head: Safety & Security
	Information Technology	To improve communication	Progress made with Computer Training	Outcome	Computer Training	Bi-Annually	4	4	2	0	2	4	100%	NIL	Manager Corporate Services	
	Employment Equity	To annually review Council's Employment Equity and submit to Department of Labour	Meeting the deadline for the Review and the Submission of the Report	Outcome	Visual HR Program	Bi-Annually	1	1	1	1	0	0	100%	NIL	Head: Administration	
Institutional Transformation	Human Resources Management	To monitor and control all leave	AG and Internal Audit Approval	Outcome	Electronic Register and Personal Files	Annually	Actual Leave Applications	Favourable Audit	Audit 2010	2	1	1	100%	NIL	Head: Administration	
	Workplace Skills	To advance the skills levels of the employees of Endument	Meeting Deadline for LGWSETA	Outcome	Skills Audit	Annually	Annual Report	1	1	1	0	0	100%	NIL	Head: Administration	

ORGANISATIONAL PMS SCORECARD:  
1 JULY 2009 - 30 JUNE 2010

Primary Health Care	To render an efficient and comprehensive service to Residents of Endowment	Number of Meetings held by Professional Nurses	Outcome	Record File of Minutes	Bi-Annually	12	12	6	6	6	6	100%	NIL	Chief Professional Nurse
		Number of Meetings by the Clinic Committee	Outcome	Record File of Minutes	Bi-Annually	4	4	2	2	2	2	100% <td>NIL</td> <td>Chief Professional Nurse</td>	NIL	Chief Professional Nurse
		Number of Drug Inspections	Outcome	Report	Bi-Annually	2	2	1	4	1	1	250% <td>NIL</td> <td>Chief Professional Nurse</td>	NIL	Chief Professional Nurse
		Number of Infection Control	Outcome	Report	Bi-Annually	12	12	6	6	6	6	100% <td>NIL</td> <td>Chief Professional Nurse</td>	NIL	Chief Professional Nurse
		Number of Complaints Received from Clients	Outcome	Records Kept	Bi-Annually	Actual Figures	Actual	Actual	4	4	1	100% <td>NIL</td> <td>Chief Professional Nurse</td>	NIL	Chief Professional Nurse
		Number of HIV/AIDS Programmes	Outcome	Reports	Bi-Annually	4	4	2	3	2	2	125% <td>NIL</td> <td>Chief Professional Nurse</td>	NIL	Chief Professional Nurse
		Annual HIV/AIDS Campaign	Outcome	Programmes	Annually	2	2	1	2	1	1	150% <td>NIL</td> <td>Head: Health Services</td>	NIL	Head: Health Services
		Number of Books Issued	Outcome	Monthly Reports	Bi-Annually	104 000	104 000	52 000	58 611	52 000	50 747	105% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Educational Programmes Conducted	Outcome	Monthly Reports	Bi-Annually	10	10	5	15	5	5	200% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Library Visitors	Outcome	Monthly Reports	Bi-Annually	100 000	100 000	50 000	58 612	50 000	63 471	122% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Books Issued	Outcome	Monthly Reports	Bi-Annually	7 000	7 000	3 500	4 339	3 500	4 383	124% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Educational Programmes Conducted	Outcome	Monthly Reports	Bi-Annually	8	8	4	4	4	2	75% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Library Visitors	Outcome	Monthly Reports	Bi-Annually	24 000	24 000	12 000	35 044	12 000	34 383	289% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Books Issued	Outcome	Monthly Reports	Bi-Annually	40 000	40 000	20 000	28 848	20 000	27 541	143% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Educational Programmes Conducted	Outcome	Monthly Reports	Bi-Annually	8	8	4	3	4	3	76% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Library Visitors	Outcome	Monthly Reports	Bi-Annually	70 000	70 000	35 000	39 002	35 000	41 727	115% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Books Issued	Outcome	Monthly Reports	Bi-Annually	8 000	8 000	3 000	1 865	3 000	2 828	74% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Educational Programmes Conducted	Outcome	Monthly Reports	Bi-Annually	2	2	1	0	1	2	100% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		Number of Library Visitors	Outcome	Monthly Reports	Bi-Annually	-	-	-	-	-	-	-	NIL	Head: Administration
		Number of Business Licences	Outcome	Record File	Annually	Actual Figures	Actual	Actual	2	N/A	15	100% <td>NIL</td> <td>Head: Health Services</td>	NIL	Head: Health Services
		Number of Exco and Council Meetings held per annum	Outcome	Attendance Register	Bi-Annually	18	18	9	14	8	24	211% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		To ensure that all catered businesses comply with the Business Licensing Act	Outcome	Attendance Register	Bi-Annually	18	18	9	14	8	24	211% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration
		To enable the Council to meet and take decisions on deliverables	Outcome	Attendance Register	Bi-Annually	18	18	9	14	8	24	211% <td>NIL</td> <td>Head: Administration</td>	NIL	Head: Administration

ORGANISATIONAL PMS SCORECARD:  
1 JULY 2009 - 30 JUNE 2010

Category	Objective	Key Performance Indicator	Frequency	Actual	Target	Weight	Score	Head: Safety & Security
Law Enforcement	To create a safer road and traffic environment for all road users through education and law enforcement	Regular Alco Road Blocks	Bi-Annually	6	6	500 000	401 829	500 000
	% Progress made with the implementation of Road Markings & Signs	Monthly Reports	Bi-Annually	6 Road Blocks	6	3	14	3
	Number of School Programmes	Monthly Reports	Bi-Annually	Paint Roads as per Plan	40km	20km	10,8km	20km
	To render an efficient service in terms of assisting to the residents of Endumeni	Monthly Reports	Bi-Annually	School Visits	10	5	9	5
Social and Economic Development	To co-ordinate district sports events	Record of Events	Annually	10	10	5	18	5
	To co-ordinate youth development opportunities in Endumeni Municipality	Events	Annually	2	2	1	0	1
	Updating of Legislation	Records	6 Monthly	2	2	1	1	1
	Execution of Council decisions	Records	Monthly	12	12	6	14	6
Legal & Estates	Uplink of By-Laws	Records	Ongoing	2	2	1	1	1
	Timely checking and signing of clearance certificates	Records	6 Monthly	Actual	Actual	Actual	138	142
	Timely provision of legal advice and checking Agendas to determine legal complications of reports to Council	Records	Monthly	16	16	9	14	9
	Procedures pertaining to Town Planning Amendments (Timeliness and procedurally followed)	Re	Monthly	Actual Applications	Actual	Actual	3	2
Social and Economic Development	To collect, collate, protect and preserve the heritage of the Endumeni and Northern KwaZulu Natal areas for future generations	Monthly Reports	Bi-Annually	16 000	16 000	6 000	13 984	6 000
	To provide an efficient museum service for the residents of Endumeni, KwaZulu-Natal, South Africa and internationally	Monthly Reports	Bi-Annually	3 Events	3	2	8	1
	To ensure correct and efficient data on museum collections	Documents	Bi-Annually	800	800	400	591	400
	To establish efficient data base of archives	Archival Documents	Bi-Annually	2 000	2 000	1 000	2 490	1 000
Social and Economic Development	Research - visitor requests - new exhibits	Archival Documents	On Request	120	120	60	56	60
	To Research Requests from Visitors	Archival Documents	On Request	41	41	60	56	60

REPORT MANAGER FINANCE FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2010

Budget process	To meet the MFMA budget process requirements	Completion and adoption of an annual budget process plan (sec 21)	MFMA	Annually	None	Aug	Aug	Aug	Complete	N/A	N/A	Financial Manager
Creditors	To pay creditors within 45 days from date of statement	Creditors days	Creditors Payment System	Bi annual	This ratio indicates the time taken to pay creditors. Major increases will indicate liquidity problems. Benchmark: 45 days	45 days	45	45	30 days	45	30 days	Chief Accountant Expenditure
Debtors	To retain the financial viability of the municipality	Average debtors period	Age Analysis	Bi annual	None	60 days	60 days	60 days	60 days	60 days	60 days	Accountant Income
Financial viability	To monitor the financial viability of the Endowment Municipality	Outstanding Services Debtors to Revenue as defined in the Municipal Planning and Performance Management Regulations (2001) (A-B-C)	Financial System	Annually	None	46%	44%	44%	45%	44%	45%	Financial Manager
Financial statements	To meet the MFMA requirements re financial statements	Cost Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A-B-C)(D)	Financial System	Annually	None	5.1	6.1	6.1	6.1	6.1	6.1	Financial Manager
Growth in debtors	To monitor and manage the growth in debtors	Debt Coverage as defined in the Municipal Planning and Performance Management Regulations (2001) (A-B-C)(D)	Financial System	Annually	None	16.1	17.1	17.1	17.1	17.1	17.1	Financial Manager
Income	To ensure a steady income growth for Council	Meeting the deadlines for the completion and submission via Office of the MM of financial statements to the Auditor-General	MFMA	Annually	None	Aug	Aug	Aug	no	n/a	n/a	Financial Manager
MFMA and other reporting requirements	To send out timeous consumer accounts	% growth in debtors	Consumer Control Report	Bi annual	This ratio, when reviewed against the annual increase in revenue, indicates the extent of net increases in debtors. Theoretically the increase in debtors should not exceed the increase in annual income. Benchmark: 12%	20%	18%	18%	19%	18%	18%	Accountant Income
Personnel cost	To keep personnel cost within reasonable limits	% growth in income	Budget Report	Bi annual	This is used as a benchmark to measure liquidity and working capital. It also indicates the probable overall increase in tariffs. Benchmark: 12%	4%	5%	5%	5.50%	5%	6%	Assistant Financial Manager
Property Rates Act	To manage the implementation of the Property Rates Act	Extent to which account and other deadlines have been met	Billing report	Bi annual	None	25th day of each month	25th day of each month	25th day of each month	25th day of each month	25th day of each month	25th day of each month	Assistant Financial Manager
Return on capital invested	To calculate return on capital invested	Extent to which all reporting deadlines have been met	Financial System	Bi annual	None	n/a	100%	100%	100%	100%	100%	Assistant Financial Manager
Salaries	To ensure payment of personnel	Personnel cost as a % of total expenditure	Budget	Annually	The ratio measures the extent to which expenditure is applied for the payment of personnel. Benchmark: 30%-35%	37%	36%	36%	37%	n/a	n/a	Financial Manager
Statutory funds backed by cash	To ensure all funds are backed by investments	Report on the progress made with the implementation of the Property Rates Act (as reported by service provider)	Service Provider Report	Bi annual	None	n/a	Progress made against contract	Progress made against contract	complete	Progress made against contract	complete	Financial Manager
Taxes and revenue	To effectively collect revenue	Surplus before appropriations as a % of total assets	Financial Statements	Annually	This ratio gives an indication of the municipality's ability to generate a net surplus from a given asset base	7%	6%	8%	7%	8%	6%	Financial Manager
		Extent to which payment and return deadlines have been met	Payroll System	Bi annual	None	100%	100%	100%	100%	100%	100%	Chief Accountant Expenditure
		Statutory funds backed by investment debtors and bank	Financial Statements	Annually	This ratio indicates liquidity and ascertains the extent to which monies set aside for specific purposes has been utilised for operating purposes.	38%	40%	40%	38%	40%	39%	Financial Manager
		% collections against amounts raised for rates and	Consumer	Bi annual	None	70%	75%	73%	82%	77%	80%	Accountant Income

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**ENDUMENI MUNICIPALITY  
CORPORATE SERVICES SCORECARD: REPORTING FORMAT  
2009/2010**

Primary Health Care	To render an efficient and comprehensive service to Residents of Endumeni	Number of Meetings held by Professional Nurses	Record File of Minutes	BI Annually	12	6	6	6	6	6	6	100%	NIL	Chief Professional Nurse
		Number of Meetings held by the Clinic Committee	Record File of Minutes	BI Annually	4	2	6	6	2	2	2	100%	NIL	Chief Professional Nurse
		Number of Drug Management Inspections undertaken by Supervisor	Supervisory Report	BI Annually	2	1	4	4	1	1	1	250%	NIL	Chief Professional Nurse
		Number of Infection control and Disposal of Medical Wastes	Supervisory Report	BI Annually	12	6	6	6	6	6	6	100%	NIL	Chief Professional Nurse
Hiv/Aids	To Mitigate the Effect of the HIV/Aids Pandemic	Number of Complaints received from Clients	Records Kept by Chief Professional Nurse	BI Annually	Actual Figures	Actual	4	4	Actual	1	100%	NIL	Chief Professional Nurse	
		Number of Internal HIV/Aids Awareness and Education Programmes conducted at the Clinics	Reports by Responsible Co-Ordinator	BI Annually	4	2	3	3	2	2	125%	NIL	Chief Professional Nurse	
		Annual HIV/Aids Awareness Campaign/Projects	Report by Co-Ordinator	Annually	2	1	2	2	1	1	150%	NIL	Head: Health Services	
Employment Equity	To annually review Council's Employment Equity and submit to Department of Labour	Meeting the deadline for the review and the submission date to Department	Visual Human Resources Programme and Employment Equity	BI Annually	1	1	1	1	0	0	100%	NIL	Head: Administration	
Human Resources Management	To monitor and control all leave	AG and Internal audits audit opinion on status of leave records	Electronic Register and Personal files	Annually	Actual Leave Applications	Favourable Audit	2	2	1	1	100%	NIL	Head: Administration	
Workplace Skills	To advance the skills levels of the employees of Endumeni	Meeting deadlines for the review and submission date to LGWSETA	Skills Audit Forms	Annually	Report Annually	1	1	1	0	0	100%	NIL	Head: Administration	
		Number of books issues	Monthly Reports	BI Annually	104 000	52 000	58 611	52 000	52 000	50 747	105%	NIL	Head: Administration	
Dundee Library	To render an efficient library service to the residents of Endumeni	Number of educational programmes conducted	Monthly Reports	BI Annually	10	5	15	5	5	5	200%	NIL	Head: Administration	
		Number of library visitors	Monthly Reports	BI Annually	100 000	50 000	58 612	50 000	50 000	63 471	122%	NIL	Head: Administration	

**ENDUMENI MUNICIPALITY  
CORPORATE SERVICES SCORECARD: REPORTING PERIOD: 2009/2010**

Department	Objective	Key Performance Indicator	Target	Actual	Percentage	Head of Department
Sibongile Library	To render an efficient library service to the residents of Endumeni	Number of books issues	7 000	7 000	100%	Head: Administration
		Number of educational programmes conducted	8	4	50%	Head: Administration
		Number of library visitors	24 000	35 044	146%	Head: Administration
Wasbank Library	To render an efficient library service to the residents of Endumeni	Number of books and other materials issued	6 000	3 000	50%	Head: Administration
		Number of educational programmes conducted	2	0	0%	Head: Administration
		Number of library visitors	-	-	-	Head: Administration
Glencoe Library	To render an efficient library service to the residents of Endumeni	Number of books issues	40 000	29 846	74%	Head: Administration
		Number of educational programmes conducted	6	3	50%	Head: Administration
		Number of library visitors	70 000	39 002	55%	Head: Administration
Business Licensing	To ensure that all categorized businesses comply with the Business Licensing Act	Number of Business Licences	Actual Figures	Actual	100%	Head: Health Services
		Number of Business Licences	18	14	77%	Head: Administration
Council and Committee work	To enable the Council to meet and take decisions on deliverables	Attendance Register and Minutes	12 Reports	6	50%	Head: Safety & Security
		Disaster Management Report	12 Monthly Reports	6	50%	Head: Safety & Security
Disaster Management	To ensure that the Disaster Management Plan is updated on a regular basis	Progress made with the annually update of the Disaster Management Plan	4	2	50%	Manager Corporate Services
		Report on usage of Endumeni Municipal equipment in use by Rural Metro	4	2	50%	Manager Corporate Services
Fire Fighting Service	To ensure the delivery of a comprehensive fire fighting services in accordance with memorandum of agreement	Progress made with Computer Training	4	2	50%	Manager Corporate Services
		Computer Training	4	2	50%	Manager Corporate Services

**ENDUMENI MUNICIPALITY  
CORPORATE SERVICES SCORECARD: REPORTING - JRMAT  
2009/2010**

	Law Enforcement	Month-end Report	BI Annually	1 000 000	1 000 000	500 000	401 829	500 000	328 028	72%	NIL	Head: Safety & Security
Law Enforcement	To create a safer road and traffic environment for all road users through education and law enforcement	Month-end Report	BI Annually	6	3	3	14	3	12	433%	NIL	Head: Safety & Security
	Regular Alco Road Blocks	Month-end Report	BI Annually	8 Road Blocks	8	20km	10.6km	20km	8.7km	48%	NIL	Head: Safety & Security
	% progress made with the implementation of road marking and road signs business plan	Month-end Report	BI Annually	40km	40km	20km	10.6km	20km	8.7km	48%	NIL	Head: Safety & Security
Testing Centre	Number of schools that underwent road safety training programmes	Month-end Report	BI Annually	10	5	5	9	5	24	100%	NIL	Head: Safety & Security
	To render an efficient service in terms of testing to the residents of Endumeni	Month-end Reports	BI Annually	1 300 000	1 300 000	650 000	1 178 921	650 000	1 341 830	193%	NIL	Manager Safety & Security
Youth, Sports & Recreation	Feedback on the participation in Local, district and other sporting events	Record of Events	Annually	10	5	5	18	5	4	220%	NIL	Head: Health Services
	To co-ordinate youth development opportunities in Endumeni Municipality	Events	Annually	2	1	1	0	1	7	350%	NIL	Head: Health Services
Legal & Estates	Updating of Legislation	Records	8 Monthly	2	2	1	1	1	1	10%	NIL	Head: Legal & Estates
	Execution of Council decisions	Records	Monthly	12	6	6	14	6	6	166%	NIL	Head: Legal & Estates
	Uptake of By-Laws	Records	Ongoing	2	2	1	1	1	1	100%	NIL	Head: Legal & Estates
	Timely checking and signing of clearance certificates	Records	8 Monthly	Actual	Actual	Actual	138	Actual	142	100%	NIL	Head: Legal & Estates
	Timely provision of legal advice and Checking Agendas to determine legal complications of reports to Council	Records	Monthly	18	18	9	14	9	9	9	127%	NIL
Procedures pertaining to Town Planning Amendments (Timeously and procedurally followed)	Records	Records	Monthly	Actual Applications	Actual	Actual	3	Actual	2	100%	NIL	Head: Legal & Estates

REPORT MANAGER TECHNICAL SERVICES FOR THE PERIOD 1 JULY 2009 TO 30 JUNE 2010

Strategic Objectives	Key Performance Indicators	Input	Output	Municipal Financial System	Frequency	Budget 2007/2008	Budget 2008/2009	Budget 2009/2010	Actual Performance			Comments for Management Action	Responsible Official
									R2 000 000	R900 000	NIL		
Electricity	To access grant funding to extend the service to low income communities	Input	Rand value of grants received	Municipal Financial System	Annual	R500 000	R2 000 000	R900 000	NIL	NIL	NIL	No Housing projects	Manager: Electrical
	To complete all projects timely and within the budget allocated	Output	% progress made with electricity projects as per capital budget	Municipal Financial System	Bi Annually	100%	100%	40%	100%	75%	25%		Manager: Electrical
	To ensure the enforcement of bylaws by detection of offenders in respect of tampered electrical meters	Output	Number of enforcements per annum	Municipal Financial System	Bi Annually	300	320	160	160	185	93		Manager: Electrical
	To facilitate access to electricity for each consumer within Enduranti Municipality	Output	% of households with electricity connections	2007/11 IDP	Annual	77.50%	78.00%	78.00%	78.00%	79.00%	78.00%		Manager: Electrical
Housing	To reduce electricity distribution losses	Input	% reduction in electricity distribution losses	Municipal Financial System	Annual	14%	13%	13%	13%	11%	13%		Manager: Electrical
	To coordinate service delivery in respect of housing in Enduranti Municipality	Output	Number of houses constructed at the Sibongile, Sithembile Hostel and Ext 18 Dundee	Municipal project data	Bi Annually	199	200 Houses	100 Houses	NIL	NIL	200 Houses	Response awaited from Department Human Settlements	Manager: Technical Services
Integrated development planning	To promote integrated planning	Process	Extent of compliance with the IDP review deadlines	Municipal IDP Process plan	Bi Annually	Compliance Process Plan	Compliance Process Plan	Compliance Process Plan	Compliance Process Plan	Compliance Process Plan	Compliance Process Plan		Manager: Technical Services
	To ensure that Councils infrastructure are adequately maintained	Input	% of Council's budget spent on maintenance	Municipal Financial System	Annual	Budget 2007/2008 2.5%	Budget 2008/2009 3%	Budget 2009/2010 3%	Budget 2008/2009 3%	Budget 2009/2010 3%	Budget 2008/2009 3%		Chief Financial Office
MIG	To effectively manage all MIG funding	Output	% of MIG allocation spend per annum	MIG PMU Reports	Bi Annually	New Programme	100% to Business Plan	100% to cash flow	100% to cash flow	100% to Mig cash flow	100% to Mig cash flow		Manager: Admin. Technical Services
	Upgrade and maintain Municipal roads within the LM	Output	% progress made with roads and stormwater projects as per capital budget	Municipal Financial System	Bi Annually	100%	100%	40%	100%	43%	57%		Asst. Manager: Civil Services
Parks and gardens	To maintain all parks, gardens and municipal verges	Output	% Compliance as per service standard adopted by Council	Monthly report Managr Sanitation Services	Bi Annually	n/a	70% Compliance as per service standard to be adopted by Council	50% Completed cycle every 8 weeks	70%	50% Completed cycle every 8 weeks	70%		Manager: Sanitation Services
	To maintain and clean the stormwater network on a regular basis	Output	% of catchpits cleaned annually	Monthly Report Manager: Technical Services	Bi Annually	30%	40%	20%	20%	40%	20%		Asst. Manager: Civil Services



2010/2011  
ENDUMENI TURNAROUND STRATEGY  
REPORT 1<sup>ST</sup> QUARTER  
ACTION PLAN

6. *Promulgation of By-Laws*

No.	Priority Turn Around Focal Area	Capacity Assessment Findings	March 2010 (Current Situation/ Baseline) Intervention Logic	Target for December 2010 (Changed Situation)	Municipal Action	Unlocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)	Start Date	End Date	Means of Verification for each activity/ process	Human Resource allocated	Budget (.00)		Quarterly Progress
											Allocated	Projected	
<b>6.PROMULGATION OF BY-LAWS</b>													
6.1	Implementation of By laws	No information	The council has resolved to review its bylaws and identify new pieces of bylaws that needs to be promulgated	Adopted and implemented bylaws	<p>Review of current by laws</p> <ol style="list-style-type: none"> <li>1.Property encroachment/ Signage</li> <li>2. Pound By- Laws</li> <li>3.Regulation of mini-buses</li> <li>4.Library bylaws</li> <li>5.Control and discharge of fireworks</li> <li>6.Municipality facilities and public amenities</li> <li>7.Control of public nuisance</li> </ol>	DCOGTA to assist with available bylaws framework	01 May 2010	30 June2010	Documents of reviewed bylaws	C Retief	R00 000	R00 000	<p>Status as at 23 July 2010</p> <ol style="list-style-type: none"> <li>1.Promulgated</li> <li>2. Promulgated</li> <li>3. In Progress</li> <li>See attached draft</li> <li>4. In Progress</li> <li>See attached draft</li> <li>5. In progress</li> <li>See attached draft</li> <li>6.In Progress</li> <li>See attached draft</li> <li>7.In Progress</li> <li>See attached draft</li> </ol>

No.	Priority Turn Around Focal Area	Capacity Assessment Findings	March 2010 (Current Situation/ Baseline) Intervention Logic	Target for December 2010 (Changed Situation)	Municipal Action	Unblocking Action Needed from other Spheres and Agencies (e.g. intervention or technical support)	Start Date	End Date	Means of Verification for each activity/ process	Human Resource allocated	Budget (,00)		Quarterly Progress
											Allocated	Projected	
					<p>Interpretation to Zulu language</p> <ol style="list-style-type: none"> <li>1.Regulation of mini-buses</li> <li>2.Library bylaws</li> <li>3.Control and discharge of fireworks</li> <li>4.Municipality facilities and public amenities</li> <li>5.Control of public nuisance</li> </ol>		01 July 2010	30 July 2010	Zulu copies available	C Retief	R00 000	R00 000	<p>In progress</p> <ol style="list-style-type: none"> <li>1.Regulation of mini-buses</li> <li>2.Library bylaws</li> <li>3.Control and discharge of fireworks</li> <li>4.Municipality facilities and public amenities</li> <li>5.Control of public nuisance</li> </ol>
					<p>Workshop with council</p> <ol style="list-style-type: none"> <li>1.Regulation of mini-buses</li> <li>2.Library bylaws</li> <li>3.Control and discharge of fireworks</li> <li>4.Municipality facilities and public amenities</li> <li>5.Control of public nuisance</li> </ol>		August 2010	August 2010	Attendance register	C Retief	R00 000	R00 000	<p>In progress</p> <ol style="list-style-type: none"> <li>1.Regulation of mini-buses</li> <li>2.Library bylaws</li> <li>3.Control and discharge of fireworks</li> <li>4.Municipality facilities and public amenities</li> <li>5.Control of public nuisance</li> </ol>

## **PROPERTY ENCROACHMENT BY - LAW**

Be it enacted by the Council of the Endumeni Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

### **INDEX**

#### **CHAPTER 1:**

1. Definitions
2. Council permission required
3. Rules for the construction of encroachments
4. Columns
5. Balconies and bay windows
6. Plinths, pilasters, corbels and cornices
7. Verandas around corners
8. Pavement openings
9. Encroachment erected in front of building
10. Maintenance, removal and tenancy of projections
11. Encroachments
12. Offences and penalties
13. Repeal of existing By-laws
14. Regulations
15. Short title and commencement

# CHAPTER 1

## DEFINITIONS

### 1. Definitions

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

**"Council"** means the Council of the Endumeni Municipality;

**"council property"** means any property, including but not limited to public roads –

- (a) which is owned by the Council;
- (b) over which the Council has control over; or
- (c) in respect of which a servitude or other property right has been registered in favour of the Council;

**"encroachment"** means any physical object which intrudes on Council property;

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

**"prescribed fee"** means a fee determined by the Council by resolution from time to time;

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

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

### 2. Council permission required

(1) No person may, without prior written permission, make or construct any encroachment into, over or under any Council property.

(2) The Council may -

- (a) refuse the permission required in terms of subsection (1); or
- (b) grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.

(3) The prescribed fees mentioned in subsection (2) are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.

(4) The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

### **3. Rules for the construction of encroachments**

(1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.

(2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.

(3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

### **4. Columns**

(1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.

(2) No person may place any veranda column -

- (a) over any pavement where such pavement is less than 2,6 m wide;
- (b) more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;
- (c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and

- (d) at a distance lesser than 600 mm back from the front edge of any kerb.
- (3) No person may place a twin or double veranda column over any public road or pavement.
- (4) Where verandas are supported on columns-
- (a) the columns may not have square arris;
  - (b) no base may project more than 50 mm beyond the bottom diameter of the column; and
  - (c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (6) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- (7) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (9) Nothing in these by-laws prohibits –
- (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
  - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

## **5. Balconies and bay windows**

- (1) Balconies, bay windows or other similar encroachments may not –
- (a) overhang a public road if they are at a height of less than 3 m above the pavement;
  - (b) encroach more than 1,35 m over any public road; or

(c) encroach more than 900 mm over any public road.

(2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

(3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.

(4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(6) A balcony over any public road may not be the sole means of access to any room or apartment.

(7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

#### **6. Plinths, pilasters, corbels and cornices**

(1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

(2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:

(a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

(b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;

(c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

### **7. Verandas around corners**

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

### **8. Pavement openings**

(1) No pavement opening may –

(a) be the sole means of access to any vault or cellar; and

(b) extend more than 1,2 m beyond the building line.

(2) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.

(3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.

(4) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.

(5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

### **9. Encroachment erected in front of building**

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

(1) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and

(2) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

#### **10. Maintenance, removal and tenancy of projections**

(1) The owner of any encroachment must maintain the encroachment in good order and repair.

(2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.

(3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

#### **11. Encroachments**

(1)(a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.

(b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

(2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –

(a) must defray any cost incurred in connection with wires or property of the Council;

(b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

#### **12. Offences and penalties**

A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R5000.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

### **13. Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

### **14. Repeal of by-laws**

Any by-laws relating to Property encroachment adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

### **15. Short title and commencement**

This by-law is called the Property Encroachment By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

**LOCAL GOVERNMENT NOTICE**

**MUNICIPALITY OF ENDUMENI**

**BY-LAW RELATING TO MUNICIPAL FACILITIES AND PUBLIC AMENITIES**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996 [Act No. 108 of 1996], the By-law Relating to Municipal Facilities and Public Amenities.

**Purpose of By-law**

The purpose of this by-law is to

- (a) regulate the use and enjoyment of municipal facilities and public amenities; and
- (b) provide for procedures, methods and practices to regulate the use and hire of municipal facilities.

**CHAPTER 1  
INTERPRETATION**

1. **Definitions** – In this by-law, the singular includes the plural and vice versa, and, unless the context otherwise indicates –

**'appurtenance'** means any installation or appliance in or at a municipal facility, and includes, without derogating from the generality of the foregoing, keys, locks, windows, toilets, basins, water taps and fittings;

**'authorised official'** means –

- (a) an official of the municipality who has been authorised by it to administer, implement and enforce the provisions of this by-law;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or
- (d) a peace officer, contemplated in terms of Section 1 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

**'council'** means the council of the municipality, or any political structure, political office bearer, councillor, or any staff member acting under council's delegated or sub-delegated authority;

**'hirer'** means any person who applies, pays, and obtains approval, for the use of a municipal facility or public amenity;

**'municipal facility'** means a building, hall, room or office, including any part thereof and apparatus therein, which is the property of, or which is managed or leased by, the municipality, and to which the general public has access, whether on payment of admission fees or not;

**'municipality'** means the Municipality of Endumeni, established in terms of Section 12 of the Municipal Structures Act, 1998 [Act No. 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;

**'notice'** means an official notice displayed at an entrance to, or at a conspicuous place in or about, a municipal facility or public amenity, and in which the municipality shall make known provisions and directions adopted by it in terms of this by-law;

**'nuisance'** means, without limiting the generality of the term, an act, omission, condition or state of affairs that –

- (a) impedes, offends, endangers or inconveniences the public at large; or
- (b) causes material inconvenience in the ordinary and comfortable use or enjoyment of a municipal facility or public amenity,

and **'public nuisance'** shall have a corresponding meaning;

**'person'** means a natural or juristic person, and includes a voluntary association of natural or juristic persons;

**'prescribed fee'** means the fee determined by resolution of the municipality for the hire of a municipal facility or use of public amenity;

**'public amenity'** means any land, square, camping site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden park or hiking trail which is the property of the municipality, including any portion thereof and apparatus therein or thereon; and

**'user'** means any person who actually utilizes, or who directly benefits from, a municipal facility or public amenity.

**CHAPTER 2**  
**USE OF MUNICIPAL FACILITIES AND PUBLIC AMENITIES**

**2. Maximum number of visitors**

- (1) The municipality may determine the maximum number of visitors who may be present at a specific time in or at a municipal facility or public amenity.
- (2) The number contemplated in subsection (1) shall be made known by the municipality by means of a notice.

**3. Admission to a municipal facility or public amenity**

- (1) A municipal facility or public amenity is, subject to the provisions of this by-law, open to the public during the times determined by the municipality, and made known in a notice.
- (2) No visitor shall enter or leave a municipal facility or public amenity at a place other than that indicated for such purpose.

**4. Access and use by disabled persons**

- (1) The municipality shall ensure that all entrances and exits from a municipal facility or public amenity are designed so as to accommodate and permit access by disabled persons.
- (2) A municipal facility shall be equipped with such ramps, lifts or similar equipment and services so as to facilitate effective use by disabled persons.

- (3) Nothing contained in this section shall be construed so as to detract from the requirements of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and any regulations promulgated in terms thereof.

## 6. **Entrance fees**

- (1) A visitor to a municipal facility or public amenity shall pay an entrance fee, as may be determined from time to time by the municipality, and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages, and the municipality may exempt certain groups of persons from the payment of an entrance fee, provided that such exemption does not amount to unlawful discrimination.

## 7. **Nuisance**

- (1) No person shall perform or permit any of the following acts in or at a municipal facility or public amenity without the municipality's prior written consent –
  - (a) the firing of firearms, airguns, air pistols, or the use of longbows, crossbows, slingshots, catapults, or other weapons;
  - (b) the discharge of fireworks, provided that the requirements of the Explosives Act, 2003 [Act No. 15 of 2003] and any regulations promulgated in terms thereof are met in the event that such person obtains the municipality's prior written consent;

- (c) the burning of rubble or refuse;
  - (d) the causing of unpleasant or offensive smells;
  - (e) the production of smoke nuisances;
  - (f) the causing of disturbances, by fighting, shouting, or arguing, or by the use of loudspeakers, radios, television sets or similar equipment; or
  - (g) the causing, in any other manner, of a nuisance, obstruction, disturbance, or annoyance, to the public.
- (2) An authorised official may, during any activity of a hirer, direct that the hirer remove from a municipal facility or public amenity any person who is in a state of intoxication and who is behaving in an offensive manner, or who is causing a nuisance or annoyance to other people in or at a municipal facility or public amenity or to occupiers of other parts of the municipal facility or public amenity or neighbouring buildings.
- (3) An authorised official may, during any activity of a hirer, direct the hirer to prevent access to a municipal facility by any person who is in a state of intoxication and who behaves in an offensive manner or who is causing a nuisance or annoyance to other people in or at, or users of, a municipal facility or public amenity, or to occupiers of other parts of the municipal facility or public amenity or neighbouring buildings.

## **7. Health matters**

No person shall, in or at a municipal facility or public amenity -

- (a) dump, drop or place any refuse, rubble, or material, or any object or thing, or permit it to be done, except in a container provided for that purpose in or at the municipal facility or public amenity;
- (b) pollute or contaminate the water in any swimming bath, dam, spruit, river, water course, or other form of water supply; or;
- (c) perform any act that may detrimentally affect the health of any visitor to a municipal facility or public amenity.

## **8. Structures**

- (1) No person shall, without the prior written consent of the municipality, erect or establish, in or at a municipal facility or public amenity, any structure or shelter, or anything similar.
- (2) Notwithstanding the provisions of subsection (1), a person may park a caravan or erect a tent for camping purposes at a public amenity, provided that such caravan or tent is parked or erected on a site specifically set aside for such purpose by notice.

## **9. Liquor and food**

- (1) No person shall bring into a municipal facility or public amenity any alcoholic beverage or food, of whatever nature, unless permitted in terms of prior written consent or by notice.
- (2) No person shall, in or at a municipal facility or public amenity, cook or prepare food of any kind whatsoever, except in terms of prior written consent or by notice, provided that –
  - (a) the preparation and cooking of food in or at a municipal facility or public amenity shall be done –

- (i) at places set aside for such purposes; and
  - (ii) in a clean and hygienic manner, so as not to give rise to excessive smoke or other nuisances, or pose any danger to health; and
- (b) no animals, poultry or fish may be killed or skinned in or at a municipal facility or public amenity, unless permitted in terms of prior written consent or by notice.

**10. Animals**

- (1) No person shall bring any animal, bird, fish or poultry into a municipal facility or public amenity, provided that –
- (a) a blind person may be accompanied by a guide dog; and
  - (b) the municipality may issue directions with regard to exceptions in respect of the foregoing prohibition.
- (2) The directions contemplated in subsection (2)(b) shall be made known by means of a notice.

**11. General use of municipal facilities and public amenities**

- (1) In respect of the use of municipal facilities and public amenities, no person shall-
- (a) arrange or present any public entertainment;
  - (b) collect money or any other goods for charity or any other purpose from the general public;

- (c) display or distribute any pamphlet, placard, painting, book, handbill, or any other printed, written or painted work;
- (d) arrange, hold, or address, any meeting;
- (e) arrange, or hold, a public gathering or procession, exhibition or performance;
- (f) conduct any trade, occupation or business;
- (g) display, sell, rent out, or present for sale or rent, any goods or articles; or
- (h) hold an auction,

at such municipal facility or public amenity, unless the prior written consent of the municipality has been obtained, or such activity is permitted in terms of the conditions of hire, as contemplated by chapter 3 of this by-law.

- (2) Nothing contained in this section shall be construed so as to detract from -
  - (a) the requirements of the Regulation of Gatherings Act, 1993 [Act No. 205 of 1993]; or
  - (b) any person's constitutional right to assemble, demonstrate, picket and present petitions.

## 12. **Safety and responsible conduct**

- (1) Subject to subsection (2), no person shall -

- (a) cause damage or disfigurement;
- (b) use, or try to use, anything for any purpose other than that for which it is designated or determined by notice;
- (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
- (d) wash any crockery or laundry, or hang out such laundry, except at places indicated by notice for that purpose,

in or at a municipal facility or public amenity.

- (2) The municipality may, by way of notice, and subject to such conditions as the municipality deems necessary, and mentioned in the said notice, authorise any of the actions contemplated in subsection (1), or in the relevant conditions of hire.

### **CHAPTER 3**

#### **HIRE OF MUNICIPAL FACILITIES**

##### **13. Cooperation between municipal departments**

Every department of the municipality having jurisdiction over or responsibility for any municipal facility must cooperate with any other such department in ensuring that –

- (a) such municipal facility is properly maintained in a state fit for the purposes for which it was designed and is used; and

- (b) subject to the provisions of section 19, no part of such municipal facility is made available to, or hired out to, more than one person at the same time.

**14. Application for hiring of municipal facilities**

- (1) Any person wishing to apply for the hiring of a municipal facility must –
  - (a) submit an application to the municipality in the form prescribed by the municipality for this purpose;
  - (b) clearly stipulate in such application –
    - (i) the municipal facility, seating, accommodation and equipment required; and
    - (ii) the period for which the municipal facility is required;
  - (c) ensure that such application form is received by the municipality not less than 30 (thirty) days prior to the date on which the municipal facility is first required by the applicant, provided that this time period may, depending on the demand for the municipal facility in question, be relaxed by the municipality.
- (2) The municipality may refuse to hire out any municipal facility in terms of subsection (1), or may cancel any booking thereof if–
  - (a) the municipal facility is to be used for any unlawful purpose; or

- (b) the municipal facility is required at the same time by the municipality for municipal purposes, provided that the municipality shall furnish at least 14 (fourteen) days' notice of any cancellation of an existing booking.
- (3) No compensation shall be payable by the municipality to the hirer for any loss which the hirer may suffer by reason of the municipality's having acted in terms of subsection (2), provided that the municipality shall refund all charges that have already been paid to it in respect of the application.
- (4) The hirer is limited to the use of the municipal facility specified in the application form, and may not use any other municipal facility for which he or she has not applied.
- (5) The municipal facility so hired may not, except with the prior written consent of the municipality, be used for any purpose other than the purposes indicated on the application form or stipulated in the conditions of hire.

15. **Tariff of fees**

The municipality may from time to time determine a tariff of prescribed fees for the hire of municipal facilities provided by the municipality in terms of this by-law.

16. **Payment of charges**

No person shall be permitted to use any municipal facility unless the prescribed fee, where applicable, has been fully paid, provided that the municipality may exempt any person or organisation, on good cause, from the payment of the entire prescribed fee, or a portion thereof.

**17. Period of hire**

Notwithstanding any determination made by the municipality regarding the dates and period for which a municipal facility may be hired, the municipality may allow the hirer reasonable access to a municipal facility before the commencement date of the period of hire, so as to enable the hirer to make necessary preparations and arrangements, but subject to the prior payment of the prescribed fee by the hirer.

**18. Adjustment of period of hire**

- (1) Any person who makes an application for the use of a municipal facility in terms of the provisions of section 14 may, subsequent to the approval of such application, and the reservation of such municipal facility, apply for the postponement of such reservation to a later date, without penalty or forfeiture, provided that such postponement may be refused if such municipal facility has, in the meantime, been reserved for use by another person on the date to which the postponement is sought.
- (2) Any person who has already made an application for the reservation of a municipal facility may cancel such reservation, provided that if -
  - (a) a reservation is cancelled 1 (one) month or longer prior to the commencement date of such reservation, then the hirer must receive a full refund of the prescribed fee already paid;
  - (b) a reservation is cancelled more than 15 (fifteen) days but less than 1 (one) month prior to the commencement date of such reservation, then the hirer must receive a 50% (fifty percent) refund of the prescribed fee;

(c) a reservation is cancelled 15 (fifteen) days or less prior to the commencement date of such reservation, then the hirer is not entitled to receive any refund of the prescribed fee.

(3) Any person may extend the period of hire of a municipal facility upon written application to the municipality in the manner provided for in section 14(1), provided that -

(a) the period of 30 (thirty) days' notice, as contemplated in terms of section 14(1)(c), shall not apply;

(b) the municipal facility concerned has not, in the meantime, been reserved for use by any other person

**19. Joint hire**

(1) The municipality may let any municipal facility or part thereof to different hirers for simultaneous use.

(2) In the case of such simultaneous use, each hirer must use any ancillary amenities which serve or comprise part of the municipal facility –

(a) jointly with the other hirers; and

(b) in such manner that all the hirers, their guests, customers, patrons, employees, agents, directors or other representatives are able to enjoy the use of the municipal facility in question without infringing on the rights of use by other users.

(3) The provisions of this by-law, read with the necessary changes, apply to the joint users of the hired municipal facility.

**20. Sub-letting**

A hirer may not -

- (a) sub-let any hired or municipal facility to any other person or organisation;
- (b) cede, pledge, or renounce, in favour of another person any of his or her rights or obligations under this by-law; and
- (c) allow any other person to occupy a municipal facility without the prior written consent of the municipality.

**21. Condition of municipal facility**

- (1) The hirer must inspect the hired municipal facility, including all installations, appliances, fittings, accessories and furniture, before he or she commences to use such installations, appliances, fittings, accessories and furniture.
- (2) If the hirer finds that any of the installations, appliances, fittings, accessories and furniture in or at a municipal facility are not in a proper state of repair, then the hirer must report this fact to the municipality.
- (3) If the hirer fails either to inspect a municipal facility in terms of subsection (1), or to report any defects found therein in terms of subsection (2), then it shall be deemed that, upon commencement of occupation by the hirer, everything in or at the municipal facility was in a proper state of repair.

**22. Duties of the hirer**

Every person hiring a municipal facility from the municipality must -

- (a) take all reasonable steps to keep all sewerage pipes, water taps and drains within or serving the municipal facility free from obstruction or blockage as a result of the hirer's activities;
- (b) at all times keep the municipal facility in a clean, tidy and sanitary condition;
- (c) not affix or attach to the municipal facility any notices or other matter, without the prior consent of the municipality, provided that upon the termination of the hire, the hirer must remove all such attachments;
- (d) not obscure any plate glass windows by painting or otherwise;
- (e) not drive into the walls or partitions or doors of the municipal facility any screws or nails;
- (f) not change or interfere with or overload any electrical installation in or at the municipal facility;
- (g) not remove or take out from the municipal facility any furniture or other articles whatsoever that belong to the municipality;
- (h) not obstruct or interfere or tamper with any thermostats or air conditioning appliances in or at the municipal facility;
- (i) not introduce or install any unsafe or heavy article, furniture, fitting, appliance or equipment which, in the reasonable opinion of the municipality, could damage the municipal facility or any part thereof, provided that the municipality may impose, on the

introduction of such item, such conditions as are reasonable to ensure the safety of the municipal facility and its users;

- (j) not install in or at the municipal facility any air conditioning or ventilation units or equipment, without the municipality's prior written consent;
- (k) not permit the storage of motor vehicles or other movable items of any description on the pavements, entrance halls, staircases or passages of the municipal facility;
- (l) not do anything, or allow anything to be done, in non-compliance with any reasonable instruction or prohibition given or issued by the municipality;
- (m) not park vehicles, or allow the parking of vehicles by the hirer's guests, customers, patrons, employees, agents, directors or other representatives anywhere at the municipal facility, except in properly demarcated parking bays, or as may be pointed out by an authorised official.

**23. Damage to property**

- (1) A hirer who fails to keep and maintain a municipal facility in the same order and condition as when it was hired out to him or her shall be guilty of an offence.
- (2) In addition to any remedies available to the municipality at common law, such hirer shall be liable in terms of the penalties specified in this by-law.

**24. Advertisements and decorations**

- (1) No person who has applied for the hire of a municipal facility may publicly announce or advertise any function or event in respect of which an application for the hire of such municipal facility has been made, before the municipality has notified such person in writing that the application has been approved.
- (2) Every hirer must, before vacating a hired municipal facility, on the termination of the period of hire, remove all posters, notices, decorations, flags, emblems, signs, and other forms of advertisement or direction erected or affixed by him or her, and make good any damage caused by such removal.

**25. Admissions, ushers and sale of tickets**

The hirer shall be responsible for all arrangements in connection with the –

- (a) admission of members of the public to any cultural or other activities at a municipal facility;
- (b) the provision of ushers, and other persons necessary to control the admission of persons to a municipal facility; and
- (c) the sale of tickets.

**26. Overcrowding**

- (1) No overcrowding of a municipal facility may be allowed at any time during any of the hirer's activities.

- (2) The hirer must comply with the municipality's requirements prescribing the maximum number of persons allowed at a municipal facility during activities.
- (3) Without detracting from the general requirements referred to in subsections (1) and (2), the hirer may not permit admission by more persons to a municipal facility than the number of available seats, or, where seating is not provided, the maximum number of persons prescribed by notice at a municipal facility, or as stipulated in the conditions of hire.

**27. Sale of food and drinks**

- (1) No person may sell food or drinks at any hired municipal facility during any activities, without the prior written consent of the municipality.
- (2) The municipality may permit the sale of food or drinks by such persons as it may approve, after it has received written application to sell such items, and the municipality may allocate sufficient accommodation to such approved persons, wherein trading stock, furniture, equipment, installations and books necessarily required for that purpose may be accommodated.
- (3) The provisions of subsections (1) and (2) do not apply where the supply and sale of food and drinks comprise an integral part of the activities of the hirer.
- (4) The municipality shall not be responsible for the payment of compensation to the hirer in respect of any loss, theft or damage suffered by the hirer or any other person in respect of the items referred to in subsection (2) as a result of any cause whatsoever, except where such loss, theft or damage is due to

the willful act or omission or gross negligence on the part of the municipality.

**28. Services**

- (1) The nature of the municipal services to be provided to a municipal facility shall be determined at the sole discretion of the municipality.
- (2) The municipality shall not be liable for -
  - (a) the non-receipt or non-delivery of goods, postal matter or correspondence belonging to the hirer;
  - (b) the loss, theft or damage in respect of anything which the hirer, or his or her guests, customers, patrons, employees, agents, directors or representatives may have deposited or left in or at a municipal facility or any part thereof, except where such loss, theft or damage is due to the willful act or omission or gross negligence of the municipality.
- (3) The municipality may take such steps as it may consider necessary for the proper maintenance and operation of any common areas in or at a or municipal facility.
- (4) An authorised official may attend or be present at the hirer's function, to ensure compliance with any provision of this by-law.
- (5) The hirer is not entitled to the official services of an authorised official or any other representative of the municipality who attends the hirer's function in terms of subsection (4).

- (6) The hirer is not entitled to receive free cleaning or other services from the municipality in connection with the hirer's activities during the preparation of, or during, a function.

**29. Exclusion of liability**

- (1) The municipality shall not be liable for -
- (a) any damage or loss sustained by any person as a result of an insufficient supply of municipal services or interruption in the supply thereof to a municipal facility, or due to any act or omission on the part of the municipality, if the municipality considers the interruption necessary to enable it to exercise any of its powers or perform any of its functions under this by-law, or under any other law;
  - (b) any loss, theft or damage caused to the stock-in-trade, furniture, equipment, installations, books, papers, clothing, or other articles of any nature whatsoever, kept at a hired municipal facility by the hirer or anyone else, whether in regard to the hirer's business or not;
  - (c) any consequential loss suffered by the hirer by making use of a municipal facility, or as a result of rain, hail, lightning, wind, fire, storms, riot or civil commotion;
  - (d) the loss of life or injury to the hirer or anyone else at or in a municipal facility during a function or event; and
  - (e) any loss suffered by the hirer as a result of any failure or defect at or in a municipal facility,

provided that any such damage, theft or loss is not as a result of the willful act or omission or gross negligence on the part of the municipality.

- (2) Upon approval by the municipality of any application for hire, a hirer must complete and sign an indemnity, as may be prescribed, in favour of the municipality.

### 30. **Destruction of municipal facility**

- (1) The municipality may cancel the hire of a municipal facility in the event that -
  - (a) the municipal facility is destroyed or is damaged to such an extent as to be substantially unusable;
  - (b) there is damage to the municipal facility, such that it is rendered substantially unusable because of the absence of access to, or supply of, any necessary municipal service; or
  - (c) there is destruction or damage to the municipal facility, and the municipality decides not to proceed with the hire of the municipal facility, in order to engage in reconstruction, renovation or rebuilding, or for safety reasons.
- (2) Any decision made in terms of subsection (1) must be communicated by written notice given by the municipality to the hirer within a reasonable period of the event giving rise to the cancellation.
- (3) No hirer shall have any claim against the municipality for any damage or loss arising out of the damage to, or destruction of, a

municipal facility or any part thereof, or for the resultant loss of beneficial use of a municipal facility by such hirer.

**31. Termination for non-compliance**

The municipality may at any time cancel the hire of a municipal facility if the hirer fails to comply with any of the provisions of this by-law, in which event -

- (a) the municipality shall not be liable for any damage or loss sustained by any person as a result of such cancellation;
- (b) such cancellation shall be effected without prejudice to any claim which the municipality may have against the hirer under any provision of this by-law, or at common law.

**32. Termination of hire**

- (1) Upon the termination of the period of hire -
  - (a) the hirer must return a municipal facility to the municipality, in good order and condition;
  - (b) the hirer must make good, and repair, at his or her own cost any damage or breakage, or reimburse the municipality for the cost of replacing, repairing, or making good, any broken, damaged or missing articles; and
  - (c) the municipality may deduct from any deposit paid by the hirer in respect of a municipal facility the costs of the said breakage, damage or loss.

- (2) A hirer must vacate a hired municipal facility within such period after expiry of the period of hire, as is stated on the application form or conditions of hire, provided that -
  - (a) failure by the hirer to comply with the provisions of this subsection entitles the municipality to levy a further prescribed fee for such additional period during which the hirer remains in occupation of a municipal facility after the expiry of the period of hire; and
  - (b) the provisions of this subsection do not preclude the municipality from taking lawful steps to procure the eviction of any such hirer from a municipal facility.
- (3) A hirer must comply with all reasonable and lawful instructions of the municipality in respect of the cleaning of a municipal facility upon the hirer's vacation thereof, provided that the municipality itself may elect to undertake the cleaning of all crockery and cutlery used by the hirer.
- (4) A hirer must comply with all reasonable and lawful instructions of the municipality, in respect of the vacation of a municipal facility and the return thereof.

### **33. Fire hazards and insurance**

- (1) A hirer may not bring to, or allow to be brought to, or kept at, a municipal facility, nor undertake nor permit to be done or undertaken in or at a municipal facility, any matter, thing or activity whereby the fire policy, or any other insurance policy, for the municipal facility concerned may become or becomes void or voidable, or whereby the premium for any such insurance may be or is increased.

- (2) If the premium for such insurance is increased as a result of any act or omission contemplated in subsection (1), then -
  - (a) the municipality may, in its discretion, allow such activity, and recover from the hirer the amount due in respect of any additional insurance premium; and
  - (b) the hirer must pay such amount immediately on notification by the municipality or the insurance company to the effect that such additional premium has been charged.
- (3) The municipality may at any time require a hirer to take out insurance with an insurance company, approved by the municipality, against damage or loss suffered during or as a result of any function for which a municipal facility is hired.

**34. Storage facilities**

The municipality shall not be responsible for providing storage facilities for the equipment of the hirer, or that of his or her guests, customers, patrons, employees, visitors, supporters or agents during any period prior to, during or after a function or event.

**35. Equipment**

- (1) A hirer who requires the municipality to supply any equipment for use during a function or event may use such equipment only with the permission of the municipality, and under the supervision of an authorised official.
- (2) If the hirer causes damage to the equipment, or removes or causes the equipment to be removed from a municipal facility

without permission, or fails to return it, then the hirer shall be liable for the repair or replacement costs thereof.

**36. Right of entry**

- (1) An authorised official may enter a municipal facility at all reasonable times -
  - (a) to inspect the municipal facility and carry out any repairs or alterations or additions or modifications or improvements in or at the municipal facility; and
  - (b) in order to ensure that the conditions of hire for the municipal facility, and the provisions of this by-law, are being complied with.
- (2) A hirer shall have no claim for the reimbursement of any charges payable for the hire of a municipal facility, compensation, damages or otherwise in connection with the exercise by the authorised official of the rights under subsection (1).
- (3) An authorised official may erect scaffolding, hoardings and building equipment in or at a municipal facility, as well as such other devices required by law or which the municipality's architects may certify are necessary to carry out the repairs contemplated in subsection (1)(a).

**37. Inspection**

Upon the conclusion of the hirer's activities at the end of the period of hire, or at the termination of the hire under any of the provisions of this by-law, the municipality and the hirer, or his or her nominee, must

inspect a municipal facility, for the purpose of assessing any damage or loss.

**38. Hire of public amenities**

- (1) The provisions of this chapter shall apply, *mutatis mutandis*, to the hire of public amenities.
- (2) It shall be within the sole discretion of the municipality to determine –
  - (a) whether or not to hire out a public amenity; and
  - (b) the conditions of any such hire.

**CHAPTER 4  
GENERAL PROVISIONS**

**39. Offences and penalties**

Any person who contravenes, or fails to comply with, a provision of this by-law, a notice issued in terms of this by-law, or a condition imposed under this by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in this by-law, shall be guilty of an offence, and liable, upon conviction, to -

- (a) a fine not exceeding R60 000, or imprisonment for a period not exceeding 12 (twelve) months, or either such fine or such imprisonment, or both such fine and such imprisonment;
- (b) in the case of a continuing offence, an additional fine of R600, or an additional period of imprisonment of 1 (one) day, or either

such additional fine or such additional imprisonment, or both such additional fine and imprisonment, for each day on which such offence is continued; and

- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

#### 40. **Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

#### 41. **Repeal of by-laws**

Any by-laws relating to municipal facilities and public amenities adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

#### 42. **Short title**

This by-law is called the By-law Relating to Municipal Facilities and Public Amenities, 2007, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

## ENDUMENI MUNICIPALITY

### LIBRARY BY-LAWS

Note: (Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa),

1. In these bylaws, unless the context otherwise indicates:-

**“Adult”** shall mean any person over the age of 18 years and shall include any person who has already left school and who earns his living independently of his parents or guardian;

**“Borrower”** shall mean a person to whom a borrower’s ticket has been issued in accordance with the regulations;

**“Council”** shall mean the Endumeni Municipality or its legal successors;

**“Librarian”** shall mean the person from time to time appointed by the Council to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions;

**“Library material”** or **“item”** shall mean any book magazine, document, print, newspaper, map, video, audio cassette, CD or DVD disc, framed art print, microfilm, microfiche or similar publication;

**“Minor”** shall mean any person under the age of 18 years and who is dependent upon his parents or guardian;

**“Provincial Library”** shall mean the KwaZulu-Natal Provincial Library Service of which the library is a member;

**“Public room”** shall mean any room in the library building which is open to the public.

### **ADMISSION TO LIBRARY BUILDINGS**

2. (1) The librarian may refuse library material or admission to any person whenever he is of the opinion that the issue of items to or the admission of such a person would not be in the public interest, and so deciding, the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and modes of life of the person concerned, the locality to which he would in the ordinary course remove the items borrowed by him, and questions of public health. The regulation also applies to any person who neglects or refuse to comply with these regulations. Any such

person to whom library material or admission has been refused shall have the right to appeal to the Council;

- (2) Subject to the provisions of subsection (1) and to the further provisions of these regulations, admission to the public rooms shall be free of charge and any person may read or view or consult any material, and/or listen to video, audio cassettes DVDs or CDS during the hours of opening prescribed by the Council.

#### **LENDING DEPARTMENT**

3. (1) Any person may be enrolled as a library borrower and shall, subject to the same terms of sub regulation (2) hereof, be entitled to borrow library material from the lending department of the library;
- (2) Any person wishing to be enrolled as a borrower shall apply to the librarian on a form provided by her for the purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be counter-signed by the parent or guardian responsible for them. In the application form there shall in each case be given an undertaking on the part of the applicant to pay for any library material lost or damaged while in his possession, in terms of and on the basis provided for in Regulation 6.
- (3) Any duly enrolled borrower shall, at the discretion of the librarian, be entitled to take out one or more items at a time upon the production of a ticket or card issued to the borrower by the librarian. No item will be issued unless the borrowers tickets are produced. Lost or damaged tickets or cards will be replaced by the librarian upon request and payment of the prescribed fee where applicable;
- (4) Videos, audiocassettes, DVDs or CDs may be borrowed free of charge by any enrolled library borrower who has been so enrolled for a minimum period of 3 months.

#### **BORROWERS TICKETS**

4. (1) Every borrower shall be responsible for the ticket or ticket issued in his name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorized use thereof;
- (2) When a borrowers ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such ticket. The issue of a duplicate borrowers' \*ticket shall in no way relieve

the holder of any liability incurred by him under sub-regulation (1) hereof;

- (3) Any enrolled borrower who for any reason ceases to be entitled to borrow library material from the lending department of the library or who wishes to cease borrowing library material from the said department shall forthwith return his borrower's ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him from any liability incurred by him sub-regulation (1) hereof.

#### **OVERDUE LIBRARY MATERIAL**

5. (1) Every item borrowed shall be returned to the lending department of the library from which it was borrowed not later than fourteen days from date of issue; provided that:-
- (a) The issue of an item not required by another person may be renewed for a further period of fourteen days upon a written or verbal request to the librarian;
- (b) No person shall retain any item issued to him after a written demand by the librarian for the return of such item has been delivered at the registered address of such person, or, in the event of there being no postal delivery service, to the post office box of the member;
- (c) Art reproductions may be borrowed for a period in excess of fourteen days, at the discretion of the librarian;
- (2) A borrower shall be liable to a fine as prescribed in the Council's tariff of charges per week or part thereof for each item retained beyond that period or whenever a renewal is granted as above beyond the period of such renewal; provided that the librarian may remit any fine incurred whenever, in his opinion, the delay in returning the item was due to circumstances beyond the control of the borrower;
- (3) In special cases library material may, at the discretion of the librarian, be lent to borrowers (such as bona fide students) for any period in excess of 14 days. The librarian may also, at his discretion, issue popular materials for periods of less than 14 days;
- (4) The librarian is empowered to refuse to lend any item to a borrower who fails to pay fines incurred;
- (5) In the case where the librarian finds it necessary, after repeated written demands for the return of the library material by a borrower, to send a messenger to the borrower's

address in an endeavour to recover the library material and where the messenger does not succeed in recovery the items, no further items shall be issued and the librarian may cancel such membership; should such items be returned, however, no further items shall be issued until all outstanding fines have been paid in full;

- (6) Habitual over-retention of library material may lead to the suspension or cancellation of the borrower's membership.

#### **LOST AND DAMAGED LIBRARY MATERIAL**

6. (1) Should any item be lost, the borrower shall pay to the librarian, in addition to any fine or charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock, or he shall pay in respect of the library stock of the Council the value of such item or replace such item with a new copy of equal value;
- (2) Any item not returned to the librarian within a period of two months from the date of issue, or whenever a renewal is granted within a period of two months from the date of renewal, shall be deemed to be lost;
- (3) The borrower shall be responsible for any damage caused to any item while in his possession, and shall be required to pay the amount of such damage as assessed by the librarian, or, alternatively, to replace such item with a new copy of equal value in respect of the library stock. In respect of provincial library stock he shall pay the value as assessed by the library service, as stated on the printed item card of the damaged item. Items found to be damaged when presented for issue must be reported; otherwise the borrower may be held responsible for the damage;
- (4) No person who has lost or damaged library material shall be permitted to borrow any further items until such lost or damaged items shall have been replaced or until the amount of damage caused or any other charge has been paid to the librarian, as the case may be;
- (5) Neglect to pay for the loss, damage or non-return of library material shall be a debt due from the borrower and recoverable at law at the discretion of the Council.

#### **NOTIFICATION OF CHANGE OF ADDRESS**

7. Any borrower who changes his address from that given by him in his application form and shown on the borrower's ticket or tickets issued to him shall within seven days thereof, notify the librarian of both his old and new address.

**REFERENCE DEPARTMENT**

8. (1) Any person may consult any library item in the reference department to which he is entitled to be admitted in terms of Regulation 2;
- (2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he may deem advisable, permit any registered borrower to borrow an item from the reference department for a specified time upon receipt of a written undertaking by the borrower to return the item (a) in a good condition, (b) within the specified time;
- (3) The librarian may require any person consulting any item in the reference department of the library to do so in any such place in the library building as he may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

**USE OF GROUP ACTIVITIES ROOM**

9. The group activities room will be at the disposal, without any charge, to person who are admitted to the library buildings in terms of Regulation 2, for use where the promotion of culture, such as book discussions, art, evaluations, musical evenings and similar activities are involved; provided that where the promotion of culture is not pursued, the room may, should it be available for use, be hired by members of the public at a rental determined by the Council;

**UNAUTHORIZED POSSESSION OF LIBRARY MATERIAL**

10. (1) No person shall be in a possession of or remove from any department of the library any item which has not been duly recorded by the librarian. Any person removing any item from the library without its being duly recorded shall be guilty of an offence and liable to prosecution and forfeiture of membership;
- (2) Any item bearing the mark or stamp of either the provincial library service or the Council and not containing an official notification that it has been withdrawn, discarded or sold, shall be deemed the property of the provincial library service or the Council, as the case may be.
- (3) No item shall be removed from the general reading room without prior approval of the librarian.

**NON-ACTIVE MEMBERS**

11. The librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of 12 months, unless such a borrower has informed the librarian of any prolonged absence due to illness or leave or any other valid reason. The borrower thus having his membership cancelled does not forfeit his right to be re-registered at any further date, within the provisions of these regulations.

#### **CARE OF LIBRARY MATERIAL**

12. (1) Any person to whom library material has been issued in terms of these regulations shall keep such library material in a clean and sound condition and shall take all such steps as may be necessary to protect it while in route to and from the library building in wet weather;
- (2) No person shall:-
- (a) Turn down or stain the leaves or make pencil or other marks upon or in way cause damage to any book forming part of the library;
  - (b) Make copies of any such book or part thereof or of instructions therein by the means of tracing or otherwise without permission of the librarian;
  - (c) Remove or mutilate any color plates or any other illustrations or leaves of any book whatsoever;
  - (d) Remove the plastic covering and/or book jacket from any book issued to him;
  - (e) Return library materials without appropriate wrapping or without placing them in a suitable container; the librarian may refuse to issue further items if, after due warning to the borrower this requirement is not complied with;
  - (f) Return videos, audio cassettes, DVDs and CDs in covers other than those in which they have been issued;
  - (g) Expose videos, audio cassettes, DVDs and CDs to excessive heat or handle them in any manner which may cause damage.

#### **EXPOSING LIBRARY MATERIAL TO INFECTIOUS DISEASES**

13. (1) No person suffering from any notifiable disease shall borrow and use the library material and no person shall permit any

library material issued to him to be exposed to any notifiable disease;

- (2) No person shall return to the library any material which he knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his control to be returned but shall immediately give notice to the Council that the library material has been so exposed, and the Council shall thereupon cause the library material to be disinfected and then returned to the library, should the infected library material be of the local stock it may be destroyed by the Council if necessary.

#### **HOURS OF OPENING**

14. (1) The library will be open for such hours as the Council may decide; provided that the hours shall be prominently displayed on the notice board and the door of the library and that sufficient notice of any changes contemplated shall be given;
- (2) The library will not be open on public holidays and the Council is authorized to close the library or part of it temporarily for such days or at such times as it may consider necessary, provided that the notice of the Council's intention is posted up on the notice board seven days before the actual closing.

#### **GENERAL**

15. (1) No person shall wilfully obstruct the librarian or any assistant in the execution of their duties;
- (2) No person shall affix or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian;
- (3) No person shall bring into any part of the library any shielded vehicle or conveyance other than a hand propelled or motorised invalid chair, baby's perambulator or pushcart, without the permission of the librarian;
- (4) No person shall give a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.

#### **CONDUCT IN THE LIBRARY**

16. (1) No person shall, to annoyance of any other person, engage in audible conversation in any part of the library, or wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library;

- (2) No person shall behave in a disorderly manner in any part of the library, use violent, obscene or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof;
- (3) No person shall cause or permit any animal belonging to him or under his control to enter or remain in the library;
- (4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library;
- (5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

**OFFENCES AND PENALTIES AND APPEALS**

- 17. The provisions of the Council's Offences, Penalties and Appeals bylaws shall mutatis mutandis apply to these bylaws.

**REPEAL OF PREVIOUS BY-LAWS**

- 18. The previous By-Laws retaining Libraries are hereby repealed.

## ENDUMENI MUNICIPALITY

### BY-LAWS FOR THE CONTROL AND DISCHARGE OF FIREWORKS

#### **Definitions**

In these bylaws, unless the context otherwise indicates:-

**“Area of Jurisdiction”** means the area of jurisdiction of the Endumeni Municipality;

**“Municipal Manager”** means the person duly appointed by the Council or the person temporarily acting as such or his duly authorized representative;

**“Council”** means the Endumeni Municipality or its legal successors in titled, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

**“Designated Fire Officer”** or **“Fireworks Inspector”** means the official(s) appointed by the council, whether on a full-time, part-time or contractual basis, or his duly authorized representative, to deal with the requirements of these bylaws;

**“Authorized Officer”** means:

- (a) A traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (b) A member of the Service as defined in Section 1 of the South African Police Service Act, 1995 (Act No. 58 of 1995);
- (c) A peace officer contemplated in Section 34 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977);
- (d) Any other official duly authorized by the Council, as defined herein.

#### **1. LICENCE TO DEAL IN FIREWORKS**

A person wishing to deal in fireworks, will make application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the licence the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

##### **1.1 Requirements for the Handling and Storage of Fireworks**

- 1.1.1 Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises;
- 1.1.2 The doors to the exit shall be kept **unlocked** and **unbolted** during trading hours and a **clear passage** shall exist between the counters that hold the fireworks and all the exits, and no obstacles shall be placed in these passages;
- 1.1.3 A dealer must have at all times on his premises a 9kg chemical fire extinguisher which must be serviced and kept in a readily accessible position or as determined by a designated fire officer;
- 1.1.4 A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks, contained in their inner or outer packings, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated from goods of an inflammable or combustible nature;
- 1.1.5 Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations;
- 1.1.6 A dealer shall not interfere with the inner packing of the fireworks, or allow or permit it to be interfered with;
- 1.1.7 Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public;
- 1.1.8 Notices with 100mm red lettering on a white background must be provided as follows:
  - (a) To the outside of the premises in a prominent position adjacent to every entrance, notice reading "Dealer in Fireworks";
  - (b) In prominent positions inside the premises "No Smoking" signs in appropriate official languages.
- 1.1.9 Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorized persons having access to the fireworks and shall abstain from any act whatsoever which

tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall be kept at least 5 meters away from the fireworks;

- 1.1.10 No person shall smoke in, or take a naked light or fire into, premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so;
- 1.1.11 Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

## 1.2 Trade

- 1.2.1 A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall retain for a period of at least two (2) years for production on demand by an inspector;
- 1.2.2 A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks;
- 1.2.3 A dealer shall supply fireworks to the public only in the **sealed inner packing** as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition;
- 1.2.4 Fireworks shall only be sold to members of the public by an authorized Dealer in Fireworks and no dealer shall sell or allow or permit to be sold any fireworks to a child under the age of 16 years;
- 1.2.5 A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and Bylaws and of the conditions attached to his licence to deal;
- 1.2.6 A dealer shall keep a register in which full particulars of each transaction and the aforementioned licence number shall be recorded. This register shall be kept up to date and available for inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry;
- 1.2.7 A dealer's premises may be inspected at any time by a fireworks inspector or fire officer;

- 1.2.8 Any person on such premises who fails to comply with a request made by the licensee or his employees in the interest of safety, shall be guilty of an offence.

## 2. FIREWORKS FOR SALE TO THE PUBLIC

- 2.1 The following fireworks are illegal and may not be sold to the public:
- (a) Firecrackers larger than 30mm long and 8mm in diameter;
  - (b) Match crackers or match strike crackers;
  - (c) Firecrackers commonly known as "Bombs", e.g. Indian King, Kind India, classic Foils, etc.
- 2.2 The sale of fireworks must be recorded and all invoices must bear a certificate to the effect that the crackers contain genuine gunpowder (black powder) only.
- "The term "gunpowder" shall include blasting powder and shall mean exclusively gunpowder ordinarily so called, consisting of an intimate mixture of saltpetre (potassium nitrate), sulphur and charcoal, such saltpetre not containing as an impurity perchlorate of potash in greater quantity than one per cent.:
- 2.3 All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packed in accordance with the Explosives Regulations and any person found in possession of fireworks not so marked and labelled shall be deemed to be in possession of "unauthorized explosives" and guilty of an offence;
- 2.4 Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid licence issued in terms of these bylaws, and the number of such licence shall be quoted on the invoice;
- 2.5 No fireworks shall be sold to any member of the public by any street trader, vender, hawker or pedlar or by any person acting on their behalf.

## 3. USE OR EXPLODING OF FIREWORKS

The discharge of fireworks within the municipal area is unlawful with the exception of the following days:

5 November

1 January; and

The seven (7) days of the Deepavali Festival;

and any other day for the public display of fireworks if Council's permission is first obtained prior to the event.

- 3.1 It shall be unlawful for any person to use or explode any fireworks:-
- (a) Within 500 meters of any explosives magazine, explosives factory, petroleum depot or gasometer; or
  - (b) In any building or on any public thoroughfare or public place without the prior consent of the Council;
- 3.2 No person, other than a technician, shall operate a public display of fireworks on any premises without the written consent of the Municipal Manager acting on the recommendation of the local designated fire officer;
- 3.3 Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this bylaw;
- 3.4 Application for permission to operate a public display of fireworks shall be made in writing and set forth:-
- (a) The name of the person or organization sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;
  - (b) The date and time of day at which the display is to be held;
  - (c) The exact location planned for the display;
  - (d) A description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
  - (e) The numbers and kinds of fireworks to be discharged; and
  - (f) The manner and place of storage of such fireworks prior to the display; and

- (g) A diagram of the grounds on which the display is to be held showing:
- (i) the point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road, or railway, and at least 20 meters from the nearest telephone, telegraph or power line, tree or other overhead obstruction;
  - (ii) The direction in which aerial fireworks, if any, are to be fired;
  - (iii) The area to be kept clear of persons which shall extend at least 50 meters from the front and to the sides of the point at which the fireworks are to be discharged;
  - (iv) The area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 meters to the rear of the firing point; and
  - (v) The location of all buildings and roads within 200 meters of the firing site and of all the trees, telegraph or telephone lines or others overhead obstructions at or adjacent to the firing site.
- (h) Completion of an indemnity form absolving the Council from any civil claims;
- (i) Acknowledgement that authority is at Council's discretion and that the requirements of legislation will be complied with.

3.5 At a public display of fireworks it shall be an offence:-

- (a) For any person wilfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
- (b) for any unauthorised person wilfully to proceed beyond that area demarcated by the organizers of the display for spectators; and
- (c) To disobey the instruction of a uniformed law enforcement officer.

#### 4. PYROTECHNIC DISPLAYS

In the event of a pyrotechnic display emergency flares must accompany the displayers;

5. **TRANSPORT OF FIREWORKS**

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No. 3648 dated 8 September 1972.

6. **USE OF OTHER EXPLOSIVES**

Any explosives for the use of which provision is not made in the preceding sections of these bylaws, shall be used only in such manner and under such conditions as may be prescribed in writing by an inspector.

7. **DISTRIBUTION POINT**

The number of distribution points for the sale of fireworks shall be restricted to six.

8. **OFFENCES, PENALTIES AND APPEALS**

The provisions of the Council's Offences, Penalties and Appeals Bylaws shall apply *mutatis mutandis* to these Bylaws.

9. **REPEAL OF PREVIOUS BY-LAWS**

Previous By-Laws relating to the Control and Discharge of Fireworks are hereby repealed.

## **LOCAL GOVERNMENT NOTICE**

### **ENDUMENI MUNICIPALITY**

#### **BY-LAW RELATING TO THE CONTROL OF PUBLIC NUISANCES**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], the By-law Relating to the Control of Public Nuisances.

#### **Purpose of By-law**

The purpose of this by-law is to promote a safe, healthy and peaceful environment for the benefit of the public residing within the municipal boundaries, and to provide for practices and procedures to control public nuisances.

### **CHAPTER 1**

#### **DEFINITIONS**

1. **Definitions** - In this by-law, unless the context otherwise indicates -

'**area**' means the geographical area falling within the municipal boundaries of the Endumeni Municipality;

'**authorised official**' means –

- (a) an official of the Municipality who has been authorised by it to administer, implement and enforce the provisions of this by-law;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or
- (d) a peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];

'**municipality**' means the Endumeni Municipality, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 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 to such political structure, political office bearer, councillor, agent or employee;

**'nuisance'** means, without limiting the generality of the term, an act, omission, condition or state of affairs that –

- (a) impedes, offends, endangers or inconveniences the public at large;  
or
- (b) causes material inconvenience in the ordinary and comfortable use or enjoyment of private property,

and **'public nuisance'** shall have a corresponding meaning;

**'occupier'** means and includes any person in actual occupation of any land or private property or having the charge or management thereof, without regard to the title under which he or she occupies it, and, in the case of private property subdivided and let to various lodgers or tenants, the person receiving the rent payable by lodgers or tenants, whether on his or her own account or as agent for any person entitled thereto or interested therein;

**'owner'**, in relation to any private property means -

- (a) the person in whose name the title to that private property is registered in terms of the Deeds Registries Act, 1937 [Act No. 47 of 1937], as amended, and includes the holder of the stand licence;
- (b) the person in whose name the certificate of sectional title to that private property is registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986], and, in addition, includes the owner (as defined in the said Act), the body corporate and the developer in relation to such private property;
- (c) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, trustee, liquidator, guardian or in any other capacity whatsoever;
- (d) if the private property is under lease, the registration whereof being necessary for the validity of such lease, the lessee; or
- (e) where an owner, as herein defined, is absent from the Republic or his whereabouts are unknown, an agent of such owner, or any person receiving or entitled to receive rent in respect of the private property or any 'unit', as defined in the Sectional Titles Act, 1986, of such private property;

**'private property'** shall include any public place and any land privately owned, all buildings, rooms, tenements, sheds, huts or other structures or erections, and also yards or lands in connection therewith, and shall also include any "unit", as defined in the Sectional Titles Act, 1986, thereof;

**'public facility'** means an amenity provided by the municipality for the utilisation by and convenience of the public at large;

**'public place'** means any square, park, recreation ground or open space which -

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

**'public vehicle'** means any vehicle or conveyance which is the property or under the control of the municipality, and which is used for the transport, for profit or otherwise, of members of the public;

**'refuse'**, without limiting the ordinary meaning of the word, means any unused vehicle or machinery or part thereof, or any scrap metal, builder's rubble, garden refuse, debris, garbage, tyres or any other discarded or abandoned article or object;

**'vehicle'** means any conveyance which is capable of transporting one or more persons, except a wheelchair or similar device used for the conveyance of a physically impaired person.

## CHAPTER 2

### PUBLIC PLACES

#### 2. Breaches of the peace

A person commits an offence if, in a public place, he or she -

- (a) accosts, insults, interferes with, jostles, threatens or harasses another person;
- (b) associates or acts in concert with other persons in a manner which causes or is likely to cause a breach of the peace; or
- (c) fights or incites or invites another person to fight.

#### 3. Indecent behaviour

(1) A person commits an offence if, in a public place, he or she -

- (a) is not decently clothed so that at least such person's genitalia are covered from view; or

(b) performs any indecent act, or incites any other person to commit any such offence.

(2) A person commits an offence if, in a public place, he or she -

(a) defecates or urinates, except within a public facility provided by or on behalf of the municipality for that purpose;

(b) enters a toilet reserved or set aside for members of the opposite sex;

(c) spits;

(d) is under the influence of intoxicating liquor or imbibes or ingests such liquor in circumstances which, in the reasonable opinion of an authorised official, render it likely that such person will cause a nuisance to other persons;

(e) is under the influence of a dependence-producing substance, as defined in the Drugs and Drug Trafficking Act, 1992 [Act No. 140 of 1992], or administers such a substance to him- or herself or another person; or

(f) commits or displays any indecent gesture, or indecently exposes him- or herself.

#### **4. Obscene or offensive language**

A person commits an offence if, in a public place within the hearing of a person in a public place, he or she uses any indecent or offensive language or sings an indecent or offensive song.

#### **5. Indecent or offensive literature and representations**

A person commits an offence if, in a public place, he or she -

(a) displays, distributes, exposes to view, or sells, or offers for sale, in a manner likely to cause offence, any indecent or offensive picture, or other representation or written or printed matter; or

(b) draws, prints, writes, or otherwise produces, any indecent or offensive figure, letter, picture, word or other representation or matter so that the same is in the public view.

**7. Dangerous acts**

- (1) A person commits an offence if, in a public place, he or she -
  - (a) activates, handles or uses any material, object or thing which results in injury to a person, or which threatens a person, or which damages property, or he or she acts in a manner likely to result in such injury, threat or damage;
  - (b) introduces or handles any material, object or thing, or any liquid or solid substance, which, by its nature, or by reason of the manner of its introduction or handling, creates a new source of danger to persons or property, or is likely to do so;
  - (c) lights, uses, or benefits from, a fire, other than in or on a public facility provided by the municipality for that purpose;
  - (d) attaches any object to, or suspends any object from, a canopy, bridge, verandah or other projection, or a pillar, pole or post, subject to the provisions of section 9(e); or
  - (e) performs any other act which may cause injury to a person or damage to property, unless he or she is authorised or permitted by law to do so, or does so with the written permission of an authorised official and in accordance with any conditions imposed by him or her.
- (2) Regarding the discharge or use of fireworks –
  - (a) no person shall discharge fireworks from any private property or public place without the written consent of the municipality;
  - (b) applications for the written consent contemplated in terms of subsection (a) shall be -
    - (i) submitted in writing 14 (fourteen) days prior to the event; and
    - (ii) accompanied by the written consent of the immediate neighbours who occupy abutting properties and properties across the road from the private property or public place from which the fireworks will be discharged;
  - (c) nothing contained in this section shall be construed so as to detract from the requirements of the Explosives Act, 2003 [Act No. 15 of 2003], or any regulations promulgated in terms thereof.

**7. Littering**

- (1) A person commits an offence if, in a public place, he or she -
  - (a) abandons, discards, discharges, or spills, or causes or allows to be discharged or spilled, any rubbish or other waste material or thing, whether liquid or solid, except in a receptacle provided for the purpose; or
  - (b) removes from a receptacle, provided for the disposal of refuse, any of its contents, and causes same to be discharged from such a receptacle.
- (2) A person who causes or incites another person to perform any of the acts described in subsection (1) shall be guilty of an offence.
- (3) Any material or thing that a person drops or allows to fall without being immediately retrieved by him or her shall, for the purposes of subsection (1), be deemed to have been discarded by him or her.
- (4) Any material or thing found in a public place in circumstances giving rise to a reasonable suspicion that an offence has been committed in terms of subsection (1), and which bears the name of a person or in respect of which there is a reasonable suspicion that it is or was the property or under the control of that person, shall, for the purposes of subsection (1), be deemed to have been abandoned or discarded by that person, until the contrary is proved.
- (5) A person who sweeps, or in any other way introduces, any rubbish or waste material or thing into a public place shall be deemed to have discarded it there, for the purposes of subsection (1).
- (6) A person who has been observed by an authorised official to have contravened the provisions of subsection (1) may be directed by him or her to remove the rubbish, material or thing or to place it in a receptacle provided by or on behalf of the municipality, and failure to comply with such direction shall constitute an offence.

**8. Cleaning of sidewalks and verges**

- (a) An occupier of premises in or on which there is carried on any business, occupation, trade or manufacturing shall at all times, while any such activity is being carried on, keep any sidewalk and verge abutting on or adjoining the premises, including the

gutter and kerb, free of litter, and shall keep the sidewalk and verge in a clean and satisfactory state, and, to this end, remove all litter therefrom.

- (b) The occupier referred to in subsection (a) shall cause all litter removed in terms of said subsection to be placed in refuse receptacles provided by or on behalf of the municipality, or, with the written consent of an authorised official, to be disposed of in a manner approved by said authorised official.

## 9. **Obstructions**

A person commits an offence if, in a public place, he or she -

- (a) leaves any thing unattended, having introduced or placed the thing there, so as to cause or be likely to cause an obstruction to persons or vehicles;
- (b) carries, deposits, handles or introduces any thing, so as to be likely to obstruct or interfere with the free movement of persons or vehicles, or with the use of the public place by persons or vehicles, or to cause injury to any person, or damage to any property;
- (c) deposits on its surface any thing, for the purpose of, or in the course of, loading or unloading a vehicle, or of delivering same to premises having access to such public place, for a longer period than is reasonably necessary for that purpose;
- (d) obscures a road traffic sign, as defined in the National Road Traffic Act, 1996 [Act No. 93 of 1996];
- (e) hangs or suspends anything from or above a public place, or causes or allows anything to protrude above its surface or to encroach upon it, provided that prior written consent may be obtained from the municipality, which consent may be given subject to conditions and restrictions deemed necessary;
- (f) gathers with or causes a gathering of other persons in a place or manner so as to, or so as to be likely to, obstruct or restrict or interfere with the movement of persons or vehicles, or the use or enjoyment of a public place by persons or vehicles;
- (g) performs any other act which has, or is likely to have, a result described in subsection (b).

**10. Disposal of property found in a public place**

- (1) When anything has been left in a public place, in contravention of section 9, an authorised official may remove it to a store established by the municipality for this purpose, provided that, if such a thing, in the reasonable opinion of the authorised official, has no commercial value, he or she may dispose of same in such manner as he or she deems fit, and the person who has committed the offence shall be liable to the municipality for the cost of such disposal, as determined by such authorised official.
- (2) Items which have been removed to a store in terms of subsection (1) shall be released to any person who, within 7 (seven) days after such removal, or within such longer period as may be allowed by the authorised official in charge of such store, has demonstrated that he or she is the owner of the items, or entitled to their possession, after payment of the cost of removal and storage, as determined by such authorised official, in accordance with a prescribed tariff of charges.
- (3) Items which have not been released in terms of subsection (2) shall be sold or disposed of in such manner and after such notice as the authorised official in charge of the store deems fit, having regard for the nature of the items.
- (4) The proceeds of any sale in terms of subsection (3) shall be utilised for the payment of -
  - (a) the cost of removal and storage, as determined in terms of subsection (2);
  - (b) any costs which may have been incurred in attempting to trace the owner; and
  - (c) the costs of sale, the remaining balance being forfeited to the municipality if not claimed within 1 (one) year of the date of sale by a person who demonstrates his legal right thereto.
- (5) If the proceeds of the sale are not sufficient to meet the costs referred to in subsection (4), then the owner of the items sold and the person who committed any offence in relation thereto shall be jointly and severally liable to the municipality for payment of the unsatisfied balance.
- (6) If the items cannot be sold in terms of subsection (3), then the authorised official in charge of the store may dispose of the items in such manner as he deems fit, and the provisions of subsection (5) shall, *mutatis mutandis*, apply in respect of any costs incurred in effecting such disposal.

- (7) The exercise of any powers conferred by this by-law shall not render the municipality or any authorised official liable for any loss or theft of, or any damage to, any thing removed in terms of subsection (1), except where such loss, theft or damage is a direct result of the negligence of the municipality or authorised official in question.

#### 11. **Obstructions caused by plants**

- (1) If a tree, shrub or other plant growing on any private property which abuts on a public place, or any portion of such plant -
- (a) obstructs the view of the driver of any vehicle in such public place;
  - (b) obstructs or causes a nuisance to persons using such public place; or
  - (c) obscures a road traffic sign,

an authorised official may serve a notice on the owner or occupier of the private property, requiring him or her to cut down, remove or trim the plant from which the nuisance originates, to an extent, and within the period, stated in the notice, and any person who fails to comply with such notice within the period stated shall be guilty of an offence.

- (2) If a person on whom a notice has been served in terms of subsection (1) fails to comply with the terms thereof within the period stated therein, then an authorised official may cause the work specified in the notice to be carried out, and such person shall be liable to the municipality for the reasonable cost of the work, as assessed by such authorised official.

#### 12. **Gatherings**

- (1) No person shall convene, or participate in, any gathering at any public place, outdoor facility or municipal building so as to -
- (a) constitute a nuisance, as defined; or
  - (b) contravene any provision of the Regulation of Gatherings Act, 1993 [Act No. 205 of 1993].
- (2) The provisions of subsection (1) shall not be interpreted so as to detract from any person's constitutional right to assemble, demonstrate, picket and present petitions.

**13. Amplification devices and equipment**

- (1) No person shall, without the prior consent of the municipality, use or permit to be used any megaphone, loudspeaker, or other device for the reproduction or amplification of sound, in or upon any public place, for the purpose of making announcements, advertising, or doing anything of a similar nature.
- (2) The municipality may refuse to grant such consent, if it has reasonable grounds for believing that the use of any such megaphone, loudspeaker or other device will cause, or is likely to cause, a nuisance, as defined.
- (3) The municipality may withdraw its consent, if it appears that a nuisance has been caused, or is likely to be caused.

**14. Games**

A person commits an offence if, in a public place, he or she plays any games, or indulges in any pastimes, such as, but not limited to, the use of roller skates, rollerblades or skateboards, in a manner that causes a nuisance.

**15. General offences**

- (a) A person commits an offence if, in a public place, upon private property, at an outdoor facility or in a municipal building, the said facility or building being owned by or under the control of the municipality, he or she acts, or omits to act, such that a nuisance is caused in circumstances that are under his or her control.
- (b) The provisions of subsection (a) shall not apply to the extent that a person acts lawfully, in the exercise of a right, or in the performance of a duty.

**CHAPTER 3****PRIVATE PROPERTY****16. Use of private property**

- (1) A person commits an offence if, on any private property, he or she -
  - (a) excavates or removes soil or other material from a position in relation to other premises or a public place so as to, or to be likely to, remove lateral support from such

premises or public place, or to create a source of danger to life or damage to property;

- (b) being the owner or occupier of such private property, allows any well, pond, reservoir, swimming pool, pit, hole, excavation, earthwork, tree or other vegetation on such private property to be in such a condition or to be so unprotected as to constitute a danger to the safety of persons or property;
  - (c) causes, or allows, anything to project from the private property over or into a public place, except in an area zoned for industrial purposes in terms of a zoning scheme and to an extent necessarily consistent with the lawful land use thereof;
  - (d) being the owner or occupier of such private property, deposits, stores or causes, or allows or permits to be deposited or stored or to accumulate so as to be visible from a public place, abandoned, derelict or disused furniture, machinery, vehicles or other objects or parts thereof, or scrap metal or other derelict or waste materials;
  - (e) without the consent of the owner or occupier thereof, attaches or places anything to or on any private property, or in any way defaces such private property, whether by the use of chalk, ink, paint, or by any other means whatsoever, unless he is authorised by any law to do so.
- (2) An authorised official may order a person who has contravened or is contravening subsection (1)(d) or (e) to remove the item to which the contravention relates from the private property concerned within a specified time, and, if he fails to do so, then the provisions of section 10 shall, *mutatis mutandis*, apply.

## 17. Burglar alarms

- (1) The owner or occupier of a private property in which a burglar alarm device has been installed shall be guilty of an offence if the burglar alarm device continues to sound either continuously or intermittently for more than 10 (ten) minutes after it has been activated by any cause whatsoever.
- (2) Such a device shall be deemed to be sounding intermittently for the purposes of subsection (1) for so long as it continues to sound at any interval without the intervention of a new cause, provided that it shall be a defence to a charge of contravening subsection (1) if it can be proved that an automatic cut-off mechanism fitted to such device has failed to operate, for

reasons beyond the control of the occupier, and without negligence on his or her part.

- (3) When a burglar alarm device has been installed in any private property, the owner or occupier of the private property shall, unless a mechanism referred to in subsection (2) has been fitted, either erect, and maintain, at the main entrance to the private property, a notice specifying the names and telephone numbers of persons who have access to the private property at all times for the purpose of deactivating the device, or shall arrange for an automatic response to an alarm to operate at all times.

#### **18. Air-conditioning appliances**

- (1) The owner or occupier of a private property who has installed therein, or who maintains and operates therein, an air-conditioning appliance shall ensure that such appliance is so installed, maintained and operated so as to preclude -
- (a) the generation of noise, odours or vibrations which cause a nuisance, as defined; and
  - (b) the discharge or generation of condensate onto a public place so as to cause a nuisance, as defined.
- (2) Nothing contained in this section shall be construed so as to detract from the requirements of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and the Occupational Health and Safety Act, 1993 [Act No. 85 of 1993] and any regulations promulgated in terms of the aforesaid legislation.

#### **19. Nuisances arising from the use of private property**

- (1) No owner or occupier of private property shall -
- (a) use it for a purpose;
  - (b) cause, allow or permit its use for a purpose;
  - (c) organise or allow or permit an activity, event or function thereupon, save for birthday, engagement, wedding, or similar, celebrations,

which is contrary to the zoning scheme, or similar restrictions imposed by town planning legislation, and which, by its nature or otherwise, or by reason of its consequences, causes a nuisance.

- (2) Notwithstanding subsection (1), nothing shall prevent the owner or occupier of any private property from engaging in the following activities -
- (a) any authorised building or contract work undertaken by him- or herself, or on his or her behalf; and
  - (b) participating in any hobby or activity involving any item owned or used by him or her which may require the use of an electrical appliance such as an angle grinder, sanding machine or similar item, provided that -
    - (i) the use of such appliance does not cause interference to television or radio reception in the neighbourhood, that every precaution possible is taken to minimise noise therefrom and the duration of use thereof, and that such activity is not for or related to any business conducted from the private property or elsewhere; and
    - (ii) such building or contract work and the use of electrical appliances for such hobby or activity is confined to the hours of 07h00 to 19h00.
- (3) Whenever an authorised official is of the reasonable opinion that a person engaged in a hobby or activity is contravening subsections (1) or (2), he or she may instruct the owner or occupier of the private property, or any person responsible for or participating in the use, activity, event or function, to take such steps as the authorised official specifies, to abate the nuisance, or to avoid the creation of a nuisance, or, if this can only be achieved by the cessation of the use, activity, event or function, to bring it to an end forthwith, or within a time prescribed by the authorised official.
- (4) If the owner, occupier or person responsible for, or participating in, the use, activity, event or function mentioned in subsection (3) fails to abide by any notice or instruction given by an authorised official, then such official may issue a notification in terms of Section 341 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977] upon the owner, occupier or person responsible.

## 20. Lighting of fires

- (a) No person shall, on any private property, light a fire, or burn, or attempt to burn, any rubbish or refuse, or any grass or other vegetation, without taking adequate precautions to prevent the uncontrolled spread of the fire, or the creation of a nuisance,

whether as a result of the production of ash, flames, fumes, heat, smoke, or otherwise.

- (b) Should any person persist with the burning of any matter without taking effective precautionary measures as described in subsection (a), where such burning is the subject of a reasonable complaint lodged with the municipality, the municipality, through its authorised official, shall be entitled to enter upon the private property on which the burning is taking place, in order to extinguish the fire, and to charge with an offence the person concerned.

## **21. Slaughter of animals and disposal of carcasses**

- (1) No person shall –
- (a) slaughter any animal at any place other than an abattoir;
  - (b) permit the slaughter of any animal at any place under his or her control, unless the place is an abattoir; or
  - (c) sell or provide meat for human or animal consumption, unless the meat has been slaughtered at an abattoir.
- (2) The provisions of subsection (1) do not apply to slaughter for own consumption, or for cultural or religious purposes, provided that –
- (a) prior to the slaughter of any animal on a private property, the owner or the occupier must –
    - (i) obtain the written consent of the municipality; and
    - (ii) provide reasonable notification to the immediate neighbours who occupy abutting properties and properties across the road from the private property on which the animal will be slaughtered; and
  - (b) such slaughter does not constitute a nuisance, as defined.
- (3) No person shall bury, or place, any carcass or part of a carcass, or permit any carcass, dead thing, or any decomposable or offensive material or thing, which is his or her property, or which is under his or her care or control, to be placed on his or her private property or elsewhere, or to remain thereon so as to cause a nuisance.

- (4) In the event of any person not being able to dispose of any offensive matter or thing or bury any carcass in terms of subsection (3), he or she shall arrange with the municipality for it to effect such disposal at the prescribed fee.
- (5) Nothing contained in this section shall be construed so as to detract from the requirements of the Meat Safety Act, 2000 [Act No. 40 of 2000], and any regulations promulgated in terms thereof.

## **22. Removal of weeds, undergrowth and bush**

- (1) No person shall permit any rank grass, undergrowth, or declared weeds or invader plants, as listed in the Conservation of Agricultural Resources Act, 1983 [Act No. 43 of 1983], and any regulations promulgated in terms thereof, to grow upon any private property or vacant land occupied or owned by him or her.
- (2) A person shall comply with any notice issued by an authorised official, requiring him or her to destroy or cut down and remove, or cause to be removed, any such rank grass, undergrowth, or declared weeds or invader plants, within a time to be stated in such notice, and in a method as stated in the Conservation of Agricultural Resources Act, 1983 and its regulations.
- (3) If such person fails to comply with such written notice, then he or she shall be guilty of a contravention of this by-law, and the municipality may take such steps as it may deem necessary, to carry out, on behalf of the said person, the requirements of the said notice, and may recover the cost thereof from the said person, in accordance with the municipality's tariff of charges.

## **23. Control of mosquitoes, flies, rodents and other vermin**

- (1) It shall be the duty of every owner and occupier to prevent mosquitoes, flies, rodents or other vermin from developing or being harboured on any private property owned or occupied by such owner or occupier, and any such owner or occupier who fails to comply with the provisions hereof shall be deemed to have contravened this by-law.
- (2) The owner or occupier of private property shall, on being served with a notice signed by an authorised official, carry out such measures as may be specified therein, for the removal of conditions favourable for the development of, or harbouring of, mosquitoes, flies, rodents or other vermin, within the time specified in the notice.

- (3) If the owner or occupier refuses to carry out the measures specified in a notice issued in terms of this by-law, or fails to do so within the time specified, then an authorised official may arrange for such measures to be carried out, and the reasonable costs incurred in so doing shall be recoverable by the municipality from the person upon whom the notice is served, at a charge specified in the municipality's tariff of charges.

#### **24. Keeping or management of a brothel**

- (1) No person shall keep or manage, or act or assist in the keeping or management of, a brothel upon any private property.
- (2) No person, being the owner, lessee or occupier of any private property, shall knowingly permit such private property or any portion thereof or any room therein to be used as a brothel or for the purpose of prostitution, or to be a party to continued use thereof for such purposes.
- (3) No person, being the owner of any private property or the agent of such owner, shall let such private property or any portion thereof or any room therein, with the knowledge that such private property or any portion thereof or any room therein is to be used as a brothel or for the purposes of prostitution.
- (4) Nothing contained in this section shall be construed so as to detract from the requirements of the Sexual Offences Act, 1957 [Act No. 23 of 1957].

### **CHAPTER 4**

#### **MUNICIPAL PROPERTY AND PROPERTY UNDER THE CONTROL OF THE MUNICIPALITY**

##### **25. General offences**

- (1) A person commits an offence if, in relation to any property in the ownership or possession of, or under the control of, the municipality, whether movable or immovable, and including any public place, he or she -
  - (a) permits, or causes to be done, any act which may, in the reasonable opinion of the municipality, cause soil or sand erosion;
  - (b) permits, or causes to be done, any cutting of, removing of, or interfering with, natural vegetation, which may, in

the reasonable opinion of the municipality, result in damage to, or destruction of, such natural vegetation;

- (c) wilfully or negligently damages or destroys such property or any part thereof;
  - (d) removes any earth, sand, shale, stone, turf or any other material or part thereof;
  - (e) breaks, cuts, destroys or removes any bush, shrub, tree or other plant, or removes any branch, flower, leaf or other part thereof;
  - (f) attaches to, or places on or next to, such property any thing, including any advertisement, flyer, pamphlet, placard or poster, or other illustrative, written or printed matter, or hangs or suspends anything on or from it;
  - (g) defaces any such property, whether by the use of chalk, ink or paint, or by any other means whatsoever;
  - (h) extinguishes any lamp or light, or displaces or removes any barricade, enclosure, fence, lamp, light, notice or sign;
  - (i) makes any excavation in, or disturbs the surface of, such property;
  - (j) climbs or sits upon, hangs onto, or mounts, any such property;
  - (k) introduces any object or material, or erects any structure, on such property;
  - (l) enters such property, or remains there;
  - (m) allows, causes or permits any other person to commit any of the aforesaid acts, unless he or she does so in the performance of a lawful right or duty, or with the prior consent of an authorised official, or in accordance with the provisions of any law.
- (2) Notwithstanding the foregoing, nothing shall prevent the owner or occupier of private property from planting and maintaining grass and plants on that portion of the verge of a street which abuts on such municipal property or property under the control of the municipality, provided that the lawful passage of vehicular and pedestrian traffic and the lawful parking of vehicles is not thereby obstructed and the grass and plants are properly maintained and do not cause a nuisance.

- (3) Any person who is convicted of an offence in terms of subsection (1) shall pay to the municipality the cost of remedying any loss or damage suffered by the municipality as a result of the commission of that offence, and the cost of the removal and disposal of any material, object or structure involved in the commission of the offence, and, for this purpose, the provisions of section 10 shall apply.

## **CHAPTER 5**

### **PRESUMPTIONS, OFFENCES AND PENALTIES**

#### **26. Presumptions**

When an employee, in the course of his or her employment, performs any act, or is guilty of an omission, which constitutes an offence in terms of this by-law, the employer shall also be deemed to have performed the act, or to be guilty of the omission, and he or she shall be liable on conviction for the penalties mentioned in terms of section 27, unless it can be proved that -

- (a) in performing the act, or permitting the omission, the employee was acting without his or her employer's knowledge and consent;
- (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
- (c) it was not within the scope of the authority or the course of the employment of the employee to perform the act or permit the omission in question.

#### **27. Offences and penalties**

- (1) Any person who-
- (a) contravenes any provision of this by-law, which contravention is not expressly stated to be an offence;
  - (b) contravenes any condition or restriction imposed upon the granting of any application, approval, authority, consent or permission in terms of this by-law; or
  - (c) fails to comply with the terms of any notice served upon him or her, or instruction to him or her in terms of this by-law,

shall be guilty of an offence.

- (2) Any person who contravenes any of these provisions shall be guilty of an offence, and liable, upon conviction, to a fine not exceeding R60 000 (sixty thousand rand), or imprisonment for a period not exceeding 12 (twelve) months, or to such fine and such imprisonment, provided that, in the case of a continuing offence, a fine not exceeding R600 (six hundred rand) may be imposed for each day on which the contravention continues.
- (3) An admission of guilt fine may be paid by any person in respect of whom a summons or written notice has been issued for any contravention of this by-law, as contemplated in terms of Sections 56 and 57 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977].

## 28. Regulations

- (1) The municipality may make regulations regarding –
  - (a) the granting of written permission and accompanying conditions for –
    - (i) the performance of a dangerous act, as contemplated in terms of section 6(1)(e); and
    - (ii) the discharge of fireworks in terms of section 6(2);
  - (b) the disposal of litter by an occupier of premises in or on which there is carried on any business, occupation, trade or manufacturing, as contemplated in terms of section 8(b);
  - (c) the granting of written consent and accompanying conditions and restrictions for the hanging or suspension of anything from or above a public place or so as to cause an obstruction, as contemplated in terms of section 9(e);
  - (d) the disposal of property found in a public place, including-
    - (i) the municipality's identification and designation of a store for property removed in terms of section 10(1);
    - (ii) guidelines for the determination of the commercial value of property so removed;
    - (iii) a tariff of charges for the removal and storage of items, as contemplated in terms of section 10(2);

- (iv) procedures to be followed with regard to the sale or disposal of items in terms of sections 10(3) and (6);
- (e) the contents and service of a notice on the owner or occupier of private property, the carrying out of work necessary to give effect to the notice, and guidelines for the determination of the reasonable costs thereof, as contemplated in terms of sections 11(1) and (2);
- (f) the granting of consent for the use of amplification devices and equipment, as contemplated in terms of section 13;
- (g) the prevention of nuisances on private property, including –
  - (i) procedures for the removal of any item from private property, as contemplated in terms of section 16(2);
  - (ii) the giving of instructions and notification to an occupier of private property, for the abatement or cessation of a nuisance, as contemplated in terms of sections 19(3) and (4);
  - (iii) procedures for the entering of private property, for the extinction of fires thereon, as contemplated in terms of section 20(b);
  - (iv) the slaughter of any animal for own consumption, or for cultural or religious purposes, as contemplated in terms of section 21(2), and the adoption and implementation of a tariff of charges for the disposal and burying of any offensive matter or thing, including carcasses, as contemplated in terms of section 21(4).
  - (v) the contents and service of a notice for the removal of vegetation, and procedures for effecting the removal by the municipality itself and a tariff of charges therefor, as contemplated in terms of sections 22(2) and (3); and
  - (vi) the contents and service of a notice for the control of vermin, and procedures for effecting control by the municipality itself and a tariff of charges therefor, as contemplated in terms of sections 23(2) and (3);

- (h) the provision of consent by an authorised official in respect of any act with regard to municipal property and property under the control of the municipality, as contemplated in terms of section 25(1)(m);
  - (i) a tariff of charges, or schedule of costs, for the remedying of any loss or damage suffered by the municipality as a result of the commission of an offence in terms of section 25(3);
  - (j)
    - (i) the prescription of penalties for the offences contemplated in terms of section 27; and
    - (ii) the amendment of such penalties from time to time;
  - (k) any matter which may be prescribed in terms of this by-law, and any matter which may facilitate the application of this by-law.
- (2) [a] The municipality shall, not less than 1 (one) month before promulgating a regulation in terms of subsection 1, cause a draft of the regulation to be communicated to the local community and to be made public in terms of Sections 21 and 21A of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], together with a notice declaring the intention of the municipality to issue such a regulation and inviting comments or representations.
- [b] If the municipality decides to alter the draft regulation as a result of comments or representations received pursuant to such invitation, then it shall not be necessary to communicate and make public the alteration before the amended draft is promulgated as a regulation.

## 29. **Repeal of by-laws**

Any by-laws relating to the prevention of nuisances adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

## 30. **Short title**

This by-law is called the By-law Relating to the Control of Public Nuisances, 2007, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.