BY-LAW

WORK IN THE MUSINA LOCAL MUNICIPALITY PUBLIC ROAD RESERVES

DOCUMENT REV0: 2021/22	**BY-LAW AND CONDITIONS APPLICABLE FOR MUSINA LOCAL MUNICIPALITY**

RESOLUTION:

1. **That** the **By-Law**, and, the APPLICABLE Conditions be **Noted** by the Council.

2. **That** the **By-Law**, and, the APPLICABLE Conditions BE APPROVED for implementation with effect from the 1st of July 2021.

3. **That** the **Wayleave Schedule of Rates** APPLICABLE in the **By-Law** be included in the Finance Tariff list and be implemented accordingly.

4. **That** the **By-Law** be APPLICABLE to applications received on or after the approval date, including those applications that were received prior to the approval date but were found to be incomplete.

APPROVAL INFORMATION

Date Approved:	**21 May 2021**
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MUSINA LOCAL MUNICPALITY

WORK IN THE MUSINA LOCAL MUNICIPALITY ROAD RESERVES

BY-LAW AND CONDITIONS APPLICABLE FOR MUSINA LOCAL MUNICIPALITY

To provide for a Wayleave for the regulation of all work to be executed in any municipal road reserve or public space within the jurisdiction are of Musina Local Municipality as provided in the Constitution of Republic of South Africa, Act 108 of 1996.

PREAMBLE

WHEREAS, the Musina Local Municipality has a mandate to provide uninterrupted services to all its residents at all times, and, remain committed to continuously improve services capabilities for effective service delivery.

WHEREAS, the municipality has an obligation to protect all services infrastructure within its road reserve boundaries.

WHEREAS, the municipality is committed to prevent damage to basic municipal services infrastructures, vehicles, utilities installed, properties, injuries to pedestrians, reduce delays where work is executed as well as to minimise claims.

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SECTION 1: DEFINITIONS

The following words and phrases have the meaning assigned to them in this Policy, unless the context otherwise indicates:

"Backfilling" refers to the replacement of the structural layers in the trench or excavation and includes inter alia the base, subbase, selected subgrade and subgrade, but exclude the surfacing;

"Certificate of Completion" means the document issued by the Professional Engineer appointed by the Wayleave Holder as proof that Work in the public road reserves has been completed according to the specifications of this document;

"Compensation for servitudes" The cost to cover all direct and indirect costs, including the loss in value of the land. The compensation should be in the form of both a once-off amount and an annual rental.

"Completion Notice" means the document submitted by the Wayleave Holder when the work has been completed;

"Council" means the Municipal Council of the of Musina Local Municipality (MLM) established Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Distance of Excavation" means the shortest horizontal distance between the electrical equipment or electric structure nearest to the excavation;

"Electric structure" means any power line tower, electric pole, switch box, miniature substation fence or building or any other structure used in the distribution of electricity;

"Emergency Work" is defined as any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. It is important to note that a lack of proper planning of Work to be carried out will not justify Emergency Work and such activities will be stopped by the Wayleave Officer;

"Lane Rentals" mean the rentals that are paid to the Council by a Service Agency, excluding a Municipal Department, whose Work in the Public Road Reserve results in time delay costs being incurred by the users of the Public Road Reserve;

"Municipal Department" means any Department that belongs to or is controlled by the Council;

"Policy" means the Wayleave Policy for Work in the Public Road Reserve as approved by the Council and including any appendices attached thereto;
"Professional Engineer" means a person registered as a Professional Engineer/ Technologist in terms of the Engineering Professions Act, 2000, appointed and funded by the Wayleave Holder to ensure compliance with the Conditions of Approval of the Wayleave. Appointment of such a person is required to control the Works wherever any excavation is involved.

"Public Road Reserve" means the full width of a public road, and includes the verge and the roadway;

"Reinstatement" refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges;

"Routine Maintenance Work" is defined as all types of Work involved in maintaining the Services and does not require excavation, traffic control or Reinstatement activities unless if the occupation of such maintenance interfere with movement of traffic, etc;

"Service" means any system for supplying a public need that a Service Agency has in or on the Public Road Reserve;

"Service Agency" means any Municipal Department, public agency or utility that has a Service in the Public Road Reserve;

"Security Deposit" means the refundable deposit required to be paid to the Municipality in respect of each Wayleave approval issued, either a fixed amount per the tariff register (for smaller projects) or a percentage of the costs of the works to be undertaken;

"Service-Sharing Installation" means installations of a service which are designed to utilise existing ducting or pipelines without the need for excavations, except minimal excavation/ construction at junctions or terminals;

"Wayleave" means the formal approval to carry out Work in the Public Road Reserve. A Wayleave issued consists of a Wayleave form and approved drawings;

"Wayleave Applicant" means the institution or Service Agency who currently owns or would own the future Service, who applies for a Wayleave;

"Wayleave Holder" means the person, institution or Service Agency who is in possession of a Wayleave approved by the Council;

"Wayleave Administrator" means an employee which is authorised by Technical Services Department to perform specified Services.

"Work" in the Public Road Reserve means any activity, including the activities of this Policy, carried out within the Public Road Reserve. It includes any project related activities, irrespective of the size of the project.

SECTION 2: BASIC WAYLEAVE PROCEDURE

2..1 Basic procedures required for Work in the public road reserves as follow:

2..1.1 Only the holder of a valid Wayleave may order work to be carried out in municipal road reserves. The Work must be done by a Contractor under full supervision of ECSA Registered Professional person.

2..1.2 Permission to Work in the public road reserves must be obtained through a formal Wayleave application in the form of a letter describing the work to be done with details and design drawings / plans.

2..1.3 The Wayleave Applicant must firstly obtain wayleave preparation information or services plans, indicating the positions of existing municipal services, where available, i.e. above the ground, on the ground, and, below the surface mostly:

- Electrical and gas infrastructure
- Road
- Stormwater
- Water infrastructure
- Sanitation Services
- Environment Facilities
- Other utilities or services

2..1.4 It may be necessary for the applicant to carry out certain preliminary work in order to determine precise positions and dimensions of any existing services which are not clear from the Service Plans.

2..1.5 The Wayleave Applicant shall ensure that the control section on the Wayleave application form is signed by each Service Agency, indicating that in principle there is no objection to the issuing of the Wayleave, alternatively where there is an objection then detailed reasons and motivations for such objection must be given.

2..1.6 This approval will be subject to technical compliance with the standards of the Service Agencies involved as well as compliance with the standards of The Musina Local Municipality and the Work planned by the Council within the area under consideration.

2..1.7 No Work in the public road reserves may commence before a Wayleave has been approved and a Wayleave Work Permit issued for that Work.

2..1.8 The Wayleave Coordinating Department shall submit the Wayleave Application to the Office of the Municipal Manager detailing the application, the various Service Agencies consulted, their comments received, confirmation of payment of the processing fees and the relevant security deposit, and confirmation of appointment by the Applicant of a Professional Engineer if any excavation is involved in the proposed Works, and after consultation with the Quality Control Department, the proposed decision, with conditions to be imposed upon approval, or the reasons for refusal.

2..1.9 Once approved, the decision to approve with conditions, or to refuse with reasons, shall be forwarded by the Service Co-ordinator to the Applicant. In the case of approval, the documents forwarded to the Applicant will include two copies of each of the letter indicating approval of the application and the conditions under which the approval is given, the signed approved plans, and the signed Wayleave Work Permit form. One copy of the letter of approval with Conditions imposed by Council together with the approved plans for a specific project must be signed as accepted by the applicant and returned for filing.

2..2 The approval of a Wayleave means that:

2..2.1 The Wayleave Holder has permission to place a new Service in the Public Road Reserve, do excavations in the Public Road Reserve

2..2.2 Do vehicular and pedestrian control in the Public Road Reserve;

2..2.3 Do Reinstatement Work on the road and pavement surfaces where excavations have been made.

2..2.4 The Council to protect the new Service in its position in the public road reserves against damage by other parties while working in the public road reserves, but cannot be held responsible for any damages incurred.

2..2.5 The cost associated with relocating the Service when a road is widened or rebuilt remains with the Service Agency that owns the Service.

2..2.6 The cost to relocate a Service owned by the Council must be included in the project cost.

2..2.7 The security deposit must be deposited in a suspense account for the purpose and will be used to correct unsatisfactory work or reinstatements if need be.

2..2.8 The Work must be carried out according to this policy, any other applicable laws and policies, and the procedures and specifications as referred to in the Conditions of Approval.

2..2.9 The Wayleave Work Permit and the Service plans of the Service Agencies must be kept on site while the Work is in progress.

2..2.10 Work will be stopped if either the Wayleave Work Permit or the Service plans are not available during inspections on site or if any of the Wayleave Conditions are not being met Work will be stopped until the required documents are available on site.

2..2.11 Failure to comply with the Wayleave Conditions may impact other applications being made by the same Service Provider.

2..2.12 On completion of the Work all trenches and excavations in the public road reserves must be Backfilled and Reinstated according to the specifications of the Quality Control Department.

2..2.13 On completion of the Work and permanent Reinstatement, a Certificate of Completion signed by the Wayleave Holder's Professional Engineer must be sent to the Wayleave Coordination Department by the Wayleave Holder.

2..2.14 The Quality Control Department must review the Completion Certificate as well as carry out an inspection of the site after receiving the Completion Certificate, and sign the certificate confirming that all conditions have been met.

2..2.15 The applicable guarantee period will be stated on the letter of approval / conditions (usually 12 months).

2..2.16 The Work as indicated in the Wayleave should be carried out during normal weekdays (Monday to Friday), between 07h00 and 16h00. No work will be carried out during weekend or on public holidays.

NB: The clauses above apply to all Services Provider that carry out Work in the jurisdiction of the Council.

SECTION 3: WORK IN THE MUNICIPAL PUBLIC ROAD RESERVE

3.1 Work in the public road reserves includes the digging of trenches, tunnelling, erection of outdoor advertising signs, erection of structures, landscaping in the public road reserves, maintenance of ground covers and any other Work that may affect existing services, motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, traffic signals, street lighting, underground or overhead Services or any other structure or Service that is contained within the public road reserves.

3.2 The types of Work that require approval from the relevant Service Agencies before a Wayleave is granted are deemed to be provision of a new Service and will be conducted according to the procedures in this Policy.

a) Work relating to the installation or maintenance of underground or overhead Services by Council's Service Agencies like Roads and Transportation, Water and Sanitation, Electricity, Land and Environmental Planning and Town Planning.

b) Work relating to the installation or maintenance of underground or overhead Services done by non-Council Service Agencies such as telecommunication, fiber cables, electricity, gas, oil and regional water supply.

c) The erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act 103 of 1977;

d) The erection of advertising signs and structures that require approval in terms of the relevant by-laws;

e) Road Works such as construction of new roads, road widening or accesses to developments, paving, bollards, garden walls, etc. undertaken by developers or private property owners;

f) The installation of new connection points for municipal Services, such as water, sewers, electricity and stormwater drainage from developments.

g) Erection of hoardings in road reserves

h) The planting of trees or any other plants and the installation of irrigation

i) Temporary road closure for construction purpose

j) Traffic calming device

3.3 The types of Work for which prior approval from Service Agencies can't be obtained due to the nature of the Work is deemed Emergency Work

3.4 The types of Work that do not include any construction Work but will require traffic control due to the activities taking place and deemed Routine Maintenance Work must comply with the requirement of the Policy

3.5 Application shall also be made in respect of Works classified as Service-Sharing Installations which involve minimal or no excavation. Only if there is absolutely no excavation involved does it become unnecessary to appoint a Professional Engineer to be in control of the Works.

SECTION 4: WAYLEAVE

4.1 All Work in the public road reserves is controlled by a means of a Wayleave.

4.2 A Wayleave is simply permission to Work at a specified time in a specified area in the public road reserves according to approved conditions.

4.3 A single Wayleave Application may be submitted for a small or large project that covers Work in any part of the Municipal Area, provided that the position and expected start/end dates of all Work in the public road reserves is adequately described under the description of the Work to be done.

4.4 General conditions are stated on the Wayleave form and may include, but not limited to, the following:

a) Description of Work to be done;

b) Timeframe within which the Work must be done;

c) Location of Work to be done. (Provision can be made for big projects with multiple locations.

4.5 Additionally, there may be Specific conditions relating to the Wayleave which will be stated on or referred to on the Wayleave. Such conditions may include:

a) Specific working conditions required in terms of the Occupational Health and Safety Act (Act no 85 of 1993);

b) Methods of Work execution in protected roads areas and precincts;

c) Reinstatement requirements.

4.6 To obtain a Wayleave:

a) A wayleave information preparation issued by the Municipality's Wayleave Coordinating Department has to be obtained by a service Agent. The information to include layout of services to be installed in Shape file, KML or KMZ. A date shall be set for locating and the identification of municipal services in the planned route or proposed service installation area on receipt of required information as indicated thereto.

b) A Wayleave application form must be submitted.

a) A traffic control plan showing how vehicular and pedestrian traffic will be accommodated during the execution of the Works in the public road reserves.

b) Three (3) copies of the design drawing/plans showing details of the proposed Work.

c) Proof of payment of the required processing fee and the applicable deposit or submission of proof of sureties already held by the Council over the Work.

d) Proof of appointment of competent person in terms of Act 46 of 2000 for the design, monitor the construction and the reinstatement.

e) Proof of appropriate public liability insurance and indemnity insurance for working in public space.

f) Details design drawings clearly depiction of the proposed Work indication where Services are to be installed and the depth of the Service below the surface level (cross section) of the relevant portion of the public road reserves. The design to incorporate or include all services identified within the Council in relation to area affected by the Work.

g) ***NB***: No ***Wayleave Application*** will be ***Accepted*** without Wayleave Approval or Comment by other Service Agencies who may have or planned services or utilities within municipal area of jurisdiction. See the list below,

- South African National Road Agency (SoE)
- Road Agency Limpopo / Department of Road and Infrastructure
- Eskom
- Transnet
- Open Serve
- MTN
- Vodacom
- Cell-C
- Neo-Tell
- Limpopo Connexion

h) The Municipality accept no responsibility for incorrect information provided by an Service Agent(s) or damage to existing infrastructure during the Services Installation.

4.7 When the Wayleave Applicant is an internal Council Department then the Wayleave Applicant shall ensure that all Council Departments are brought to the site to identify services which may be affected by the Council Work.

4.8 A Copy of approved Wayleave must always be site where Work is executed. No work will be allowed on site without proof of an approved Wayleave.

4.9 Duration to process an Application:

a) For a New Wayleave will be limited to thirty (30) calendar days,

b) Fourteen (14) calendar days for a review of an application, and,

c) Seven (7) days for Cross Cuts Wayleave

4.10 Wayleave holder accepts full responsible for all costs associated with and resulting from the Work carried out in the municipal road reserve.

4.11 Only Work describe in the Wayleave may be executed. Any deviation from initial of original scope will nullify the approved Wayleave.

4.12 The Wayleave Holder must complete the Work within the time specified on the Wayleave Work Permit or the approved time extension.

SECTION 5: EXISTING SERVICES AND PLANNED SERVICES

5.1 The Wayleave Applicant must submit Service drawings indicating the position of all Services in the area of Work with the Wayleave application form. This information is obtained from the relevant Service Agencies.

5.2 Service Agencies may require additional precautions relating to Work in the vicinity of their Services and must specify these in writing to the Wayleave Applicant.

5.3 As part of the Undertaking / Indemnity on the Wayleave application form, the Applicant has to confirm that the necessary information has been obtained from the Service Agencies and undertakes to adhere to the additional conditions laid down by the various Service Agencies. The control section on the Wayleave application form, signed by the Service Agencies, will serve as proof that the Service Agencies approved that a Wayleave Work Permit may be issued.

5.4 It is the responsibility of each Service Agency, not, the Council to ensure that their information given to the Wayleave Applicants is accurate and up to date.

5.5 Approval of a Wayleave by the Council will not in any way be interpreted as an approval for the waiving of any of the conditions, obligations or requirement of a Service Agency.

5.6 Integrated Development Plan document will be used as base planning period for services installation or the Spatial Development Plan whichever is up to date. A five (5) years planning horizon will be considered.

SECTION 6: ROAD CATEGORIES

6.1 All roads are classified under one of the functional categories described below. The functional category of a road determines the design road capability, pavement structural designs and the regional weather considerations.

6.2 The following road categories will be applicable to this policy:

Table 6.2

Category	**Road Type**
1	Principal Arterial (N1) SANRAL
2	Major Arterial-(District / RAL)
3	Minor Arterial-(District / Municipality / RAL)
4	Collector Streets (Municipality)
5	Residential streets (Municipality)
6	Pedestrian walkways (Municipality)

SECTION 7: PROTECTED ROAD SURFACES

7.1 Protected road surface are road surface where excavation of the trench for installation of a service is not allowed.

7.2 Protected road identified by the Council which is a strategic surfaced road and cannot be excavated falls into one of the category:

a) A newly surfaced road which has been constructed and is less than five (5) year old cannot be excavated. A trenchless technology may be used to install the service.

b) Road category 1-3 in Table 6.2 above may form part of the road surface which cannot be excavated for the installation of a service. A trenchless technology may be used to install a services.

7.3 For the purpose of planning by Service Agencies. Road Category 4 – 6 in Table 6.2 may be regarded as unprotected surfaced road and excavation may be permitted unless the road has been (newly) re-surfaced.

SECTION 8: COSTS

8.1 A processing or an application fee of R3 500 will be charged on the following basis:

a) The processing fee is a fixed amount that is payable by the Wayleave Applicant upon submission of a Wayleave application form.

b) The processing fee will cover the municipality's cost for administrative and the processing of the Wayleave from the beginning until the Completion Certificate is issued.

c) The fee payable will not apply to National, Provincial, District and other Government Road Agencies.

d) The processing fee will be in effect from ***1st of July 2021***, and, is subject to adjust or escalation.

8.2 Public Liability Insurance

a) All work executed in the municipal public road reserve will require a public liability insurance to cover claim which may arise as result of Work.

b) No contractor will be allowed to work in municipal public road reserve without a valid public liability insurance.

c) An Insurance held within other municipality on similar Work may be acceptable subject to confirmation thereto.

8.3 *Backfilling* and the *Reinstatement Cost*

Arrangement for the reinstatement cost will be as follows:

a) The cost of the permanent Reinstatement on the site of the installation in terms of the Wayleave will be borne by the Wayleave Holder.

b) The Extent of road reinstatement has to be quantified in advance and a provision be made in terms of monetary term deposit or material delivery equivalent.

c) Relevant reinstatement rates as determined by the Council to be used to determine the reinstatement costs.

d) Extent of cutting road surface, and, the depth will be limited to the conditions to be provided in the Wayleave.

8.4 Other Cost can result from any of the following:

a) Damage to existing ***Municipal Services*** (Electricity, Water and Sanitation)

b) Service in item a) above are referred as basic infrastructure services and to be reinstated *immediately* if damaged as have potential of public inconvenient.

c) Relocation and protecting of municipal service: Incorporated in design

d) Testing of a service

e) Claim for the loss in revenue

f) Lane rental

g) Third party claim

SECTION 9: TRAFFIC CONTROL

9.1 It is the responsibility of the Wayleave Holder to ensure that all laws regarding traffic, safety, traffic signs and barricading are complied with while executing Work in municipal public road reserve.

9.2 An approved traffic control plan must be kept on site as part of the condition under which the Wayleave is approved.

9.3 Work in municipal major road will have peak-hour restriction period considered. Peak period apply seven (7) days per week.

9.4 Risk assessment when traffic accommodation plan is design should ensure that pedestrian are given special attention in Work area.

SECTION 10: TEMPORARY ROAD CLOSURES FOR CONSTRUCTION PURPOSES

10.1 The granting of Wayleave doesn't give the Wayleave Holder the authority to close the road completely to traffic.

10.2 Method of construction and programme of Work must therefore be determined on the basis that no road or portion of road may completely be closed to traffic for any appreciated period.

10.3 In exceptional circumstances permission may be granted for the temporary closure of a road or portion of road to traffic. Application will be approved for a specific period as may be requested.

SECTION 11: LANE RENTAL

11.1 Lane rental refers to the rental of space in the municipal public road reserve for any purpose other than providing a services to the road.

11.2 Lane rental will be payable from the date work commences in the road reserve up to the date that a Certificate of Completion is issued.

SECTION 12: EMERGENCY WORK

12.1 Emergency Work is defined as any Work that is required to prevent or end dangerous situation, to prevent or end an unplanned interruption in the supply of a Service or to avoid any substantial losses.

12.2 Lack of proper planning of Work to be carried out will not be deemed so as to justify it as emergency Work.

12.3 Example of Emergency Work may include inter alia:

a) Electrical supply failure

b) Burst water pipes

c) Waste water blockages resulting in overflow

d) Flooding or storm damage

e) Sinkhole or settlement or landslide

f) Collapse or blocked of drainage structure

12.4 A special or dedicated line will be provided to handle emergency Work as listed in clause 12.3) above.

SECTION 13: WORK NOT REQUIRING A WAYLEAVE

13.1 Work not requiring a Wayleave is limited to Work with a short duration and with no effect to municipal services, traffic and pedestrians.

13.2 Typical example of Work not requiring a Wayleave are:

a) Routine maintenance of Services in the municipal public road reserve which does not require excavation, traffic control or reinstatement of roads and verges.

b) Any Work that relates to maintenance of vegetation in the municipal public road reserve through cutting, removing or relocating of plants.

c) The placement of advertising material on or within structure pre-erected for that purpose.
d) The erection of road traffic sign and road furniture with or without outdoor advertising where foundation excavation do not exceed a depth of 400mm

e) Temporary diversion of traffic for public event such as sport event, funeral, mass action, parade, etc.

SECTION 14: EXCAVATIONS

14.1 The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The road surfaces must be cut with a saw to ensure smooth, uniform edges.

14.2 All excavations must comply with the statutory requirements for health and safety. Deep excavations must be executed according to the Occupational Health and Safety Act

14.3 The minimum depth that any Telecommunication Service may be placed under a road is 0.8m measured from the level of the surfacing of the road to the top of the Service duct. The minimum depth at any other place in the public road reserves, e.g. on a verge, is also 0.8m measured from the level of the surfacing of the road and not from natural ground level.

14.4 Services not subject to being laid at a specific grade such as water pipes and cables should not be placed at depths in excess of the 0.8m as this could interfere with future Services that has to be laid at a specific grade, such as sewers and stormwater pipes.

14.5 All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians.

14.6 The view of motorists must at all times be kept clear of any obstructions such as excavated material, road signs or hoardings.

14.7 A safe and protected passage must be kept open for pedestrians at all times.

14.8 Excavation areas must be clearly demarcated with warning signs that allow ample time for motorists and pedestrians to alter their routes.

14.9 The Wayleave Holder is held responsible for any damage to existing Services.

14.10 Services, indicated on the drawings or on site by representatives from the relevant Service Agencies, must be opened by careful hand excavating.

14.11 If the Services cannot be found, the relevant organisation must be contacted again for further instructions.

14.12 Under no circumstances may a Wayleave Holder excavate with mechanical equipment before known Services have been found and marked. When found, Services must be marked and protected or supported as required by the owner.

14.13 If Services need to be relocated, instructions from the owner must be followed carefully.

14.14 The Wayleave Holder will be responsible for all relocation costs. If any Service is damaged as a result of the Work, the service has to be repaired within acceptable time.

14.15 Under no circumstances will the Council be held liable for any incorrect information provided by any external service agency or for any damages, losses and claims resultant from such incorrect information.

14.16 Adequate preventative measures must be taken to ensure that no water (e.g. due to rain) flows into the open trenches since this will result in the weakening of the structural layers of the road. Any water that is present in the trenches must be pumped out before Backfilling. Water must be pumped into the stormwater system and not into sewer manholes. Any material that has become wet must be removed from the bottom of the trench before Backfilling.

14.17 The Wayleave Holder must prevent foreign materials from entering the drains and ensure that silting does not occur either from pumping operations or as a result of rain. If any silting or other contamination does occur, the Wayleave Holder must clean the drains or request relevant department to do it at the cost of the Wayleave Holder.

14.18 Where excavations are made through entrances to properties, access must be maintained by providing sound structures of sufficient strength that are properly secured against movement. The occupants of the properties must be kept informed at all times of how their accesses will be affected.

14.19 The cleaning up of the construction site and the reinstatement to its previous condition must be completed after the service has been installed.

14.20 The Wayleave Holder working in the public road reserves shall therefore take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which Work is in progress, or is incomplete.

14.21 The Wayleave Coordinating Department may request that a traffic control plan be submitted. Any such Traffic Control Plan shall be kept available on site.

14.22 Traffic signs and barricading shall be done according to the latest edition of the Southern African Roads Traffic Signs Manual.

SECTION 15: TRENCHLESS METHODS

15.1 If trenchless methods are used, disruption of traffic flow and the pedestrian movement can be reduced considerably or eliminated. However, it is important that the Wayleave Holder using such methods must have all the necessary equipment and expertise to complete the Work successfully. These methods can be used for all road categories but shall be used for all roads classified as *"Protected"* as defined in these By-Laws.

15.2 Work using these methods can only be done as approved in the Wayleave. The position of existing Services must be located accurately prior the deployment of such methods. If any Services are damaged the Wayleave Holder will be responsible for all repair or replacement costs.

15.3 The depth of the top of any tunnel that is drilled for the installation of new Services must be at least 800mm measured from the lowest level of the road surfacing.

SECTION 16: BACKFILLING AND REINSTATEMENT

16.1 Any trenching activity inevitably disturbs the structural integrity of a Road or footway. Backfilling and reinstatement must therefore restore the pavement to prevent any failure or deterioration that will result in road user discomfort and increase vehicle operating cost to the user and the maintenance to the Council.

16.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and include the base, subbase, selected subgrade and subgrade but exclude surfacing.

16.3 Reinstatement refers to replacing the bitumen surfacing or paving in case of Road or paving blocks, paving slabs, bituminous surfacing or grass in case of footways and the verges.

16.4 Backfilling must in all cases be done by Wayleave Holder in accordance with the specifications as set out in the Wayleave. Permanent reinstatement can either be done by the Municipality's Road Division or by the Wayleave Holder. Approval for the Wayleave to do permanent reinstement will be based on proven resources and performance history.

16.5 The Wayleave Holder must obtain prior written approval from Municipality Road Division for the backfilling specification or an alternative specification. The proposed specification shall be submitted to the Municipality's Roads Division who shall provide written comments on the specification or alternative thereto.

16.6 The standard backfill specifications as provided by the Roads Division will be applicable but the Wayleave holder must nevertheless obtain approval for his proposed backfill specifications.

16.7 Permanent backfilling and reinstatement done by the Wayleave Holder will be subject to a guarantee period of twelve (12) months based on the performance specifications provided in the standard specifications of the Municipality's Roads Division.

16.8 If permanent reinstatement is done by the Municipality' Roads Division the Wayleave Holder must do a temporary reinstatement as specified. The Wayleave Holder will then be charged for the permanent reinstatement at the applicable rates defined by the Council for the reinstatement of the Work.

16.9 The temporary reinstatement will be removed by the Municipality's Roads Division and backfilling will be tested. If the backfilling doesn't comply with the applicable specification, it will be replaced at the cost of the Wayleave Holder.

SECTION 17: COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

17.1 Upon completion of the Work, the Wayleave Holder must fill in the Completion Notice and return it to the Coordinating Department within three (3) working days. The Wayleave Holder shall notify all Services Agencies as required by the Wayleave Conditions

17.2 After receipt of Completion Notice, an inspection will carried out to justify Completion Certificate.

17.3 When wayleave coordinating department is satisfied that the Work has been completed according to approved wayleave conditions, the Wayleave Holder will be issued with Completion Certificate. The twelve (12) month guarantee period for permanent reinstatement of the works shall commence.

17.4 Completion of the Works means that all work has been completed according to the specification documents, and, that all materials, equipment, spoil materials, rubble have been removed, and, the Site is completely cleared to the satisfaction of the Wayleave Coordinator. Permanent reinstatement is duly executed by the Wayleave Holder in terms of all road crossings, cuttings in residential drive through, compactions, road furniture, paint works, traffic road signs, and, the grass / trees to the properties.

Furthermore, applicable documentations, and, 'As Built' Drawings in Shape files, KMZ or KML files format has been handed over to the Wayleave Coordinating Department for proper and accurate record keeping.

SECTION 18: OFFENCES AND PENALTIES

Any person who –

a) contravenes or fails to comply with any provisions of these By-Laws,
b) knowingly permits or allow any conditions of exist contrary to these By-Laws,
c) doesn't cease any action which that person is required to cease under these By-Laws,

d) fails or refuse, neglects to comply with the notice for breach or laws of the institution in terms of these By-Laws,

shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand rand (R10 000.00) or imprisonment for a period not exceeding three (3) years or both.

The Council may also withdraw the Wayleave of the Offender and seize and impound the equipment used to carry out any Work that is in contravention of these By-Laws.

SECTION 19: WAYLEAVE SCHEDULE OF RATES

The wayleave schedule of Rates are obtainable in the municipal website (Tariff List), and, are reviewed annual to accommodate escalating costs.

SECTION 20: SHORT TITLE

These By-Laws will be called the “Musina Local Municipality: Work in the Public Road Reserve By-Law” and takes effect on the date of Council Approval and Publication thereof.