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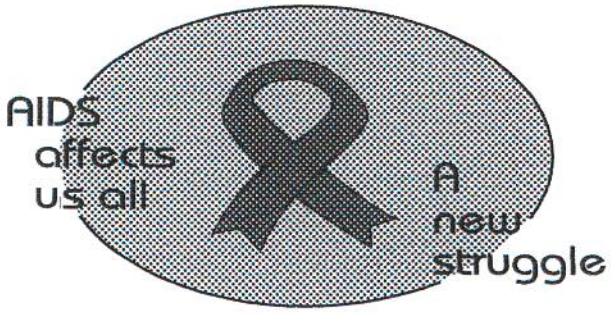
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Vol: 28 **POLOKWANE,** 18 JUNE 2021 18 JUNIE 2021 **No: 3177**

PART 1 OF 2

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PROVINCIAL NOTICE 73 OF 2021

MUSINA LOCAL MUNICIPALITY

BUILDING REGULATIONS BY-LAWS

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MUSINA LOCAL MUNICIPALITY
BUILDING REGULATIONS BY-LAW

The Municipal Manager of Musina Local Municipality, in terms of the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 read with section 13(a) in conjunction with section 75(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes the BUILDING REGULATIONS BY-LAWS as approved by Council and as set out hereunder:-

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PART A: DEFINITIONS

1. Definitions

In these By-laws all words and phrases, except the words and phrases defined in these By-laws, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise:-

"Adequate or Effective" means adequate or effective in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

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"**Anti-siphonage Pipe**" means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

"**Approved**" means approved by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"**Cleaning Eye or Rodding Eye**" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"**Communication Pipe**" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

"**Connecting Sewer**" means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

"**Connection**" means the point at which a drain is connected to a connecting sewer;

"**Conservancy Tank**" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"**Consumer**" means: -
(a) The owner or occupier of any premises to which the Municipality has contracted to supply water;
(b) A person who has entered into a contract with the Municipality for the supply of water; or
(c) A person who lawfully obtains water from the Municipality;

"**Drain**" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste- water pipe, ventilation pipe or anti-siphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

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"Drainage Installation" means an installation vested in the owner of premises and includes a drain, soil- water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

"Drainage Work" means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

"Energy Efficiency" means a system of minimizing energy consumption while still achieving the required output;

"Form" means a form approved by the Municipality for the purposes of this By-law;

"Gully" means a pipe fitting incorporating a trap into which waste water is discharged;

"Industrial Effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including any mining operation, and includes any liquid besides soil water or waste water or stormwater;

"Main" means any pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe, as herein defined;

"Municipality" means the Municipality of Musina Local Municipality or its successor in tittle as envisaged in section 155(1) of the Constitution, established by Notice No (484 dated 28 February 2000) in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and for the purposes of this By-law includes an employee or official acting in terms of a delegation issued under section 59 of the Municipal Systems Act;

"Owner" means: -
In relation to immovable property means the person in whom is vested the legal tittle

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thereto and includes:

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;

(b) where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and

(c) In relation to:

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or

(ii) A section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

"**Piece of Land**" means: -

(a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such erf, stand, lot, plot or other area; or

(b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

"**Premises**" means a piece of land, the external surface boundaries of which are delineated on: -

(a) A general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) A sectional plan registered in terms of the Sectional Titles Act, 1986;

"**Purified Sewage Effluent**" means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

"**Sanitary Fitting**" or "**Sanitary Appliance**" means a soil-water fitting or waste-water fitting;

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"**Septic Tank**" means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

"**Sewage**" means soil-water, waste-water or industrial effluent, whether separately or together;

"**Sewer**" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"**Soil Water**" means liquid containing human or animal excreta;

"**Soil-water Fitting**" means a fitting that is used to receive and discharge soil water;

"**Soil-water Pipe**" means a pipe, other than a drain, that is used to convey soil water with or without waste water;

"**Stack**" means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

"**Stormwater**" means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

"**Tariff**" means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section 80B of the Local Government Ordinance (Ordinance 17 of 1939);

"**Trap**" means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

"**Ventilation Pipe**" means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

"**Waste Water**" means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

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"**Waste-water Fitting**" means a fitting that is used to receive and discharge waste water;

"**Waste-water Pipe**" means a pipe, other than a drain, that is used to convey waste water only;

"**Water Care Works**" means a water works for the purification, treatment or disposal of effluent; and

"**Water Seal**" means the water in a trap which serves as a barrier against the flow of foul air or gas.

PART B: SCOPE OF BY-LAW

2. Scope of by-law

(1) These By-Laws are supplementary to the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or these By- Laws.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or requires.

(3) In the event of a conflict between these By-Laws and the National Building Regulations and Building Standards Act or the National Building Regulations, the provisions of the Act and the National Building Regulations shall prevail to the extent of the inconsistency.

(4) In the event of any conflict with any other By-Law which directly or indirectly, within the jurisdiction of the Municipality, regulates building control, the provisions of these By-Laws shall prevail to the extent of the inconsistency.

PART C: STREETS AND PAVEMENTS

3. Catheads, cranes and platforms

A cathead, lifting crane, platform or other similar device may not overhang any street or

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sidewalk without the special consent of the Municipality.

4. Slab footways and pavements

(1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.

(2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and cross fall determined by the Municipality and must meet the following further requirements:

(a) For ordinary paving or slabs the minimum cross fall is 1:100 and the maximum cross fall is 1:25.

(b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the cross fall is between 1:25 and 1:15, provided that the cross fall does not exceed 1:15.

(c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

(3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

(4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

5. Plants on street verges

(1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.

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(3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

6. Street gutter bridges

No person may without the express permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

BUILDINGS

7. Encroachments

With the consent of the Municipality: -

(a) A cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

(b) Foundations that are at least 0, 75 m under the ground level may exceed a street boundary or building Line by a maximum of 0, 5 m;

(c) A sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and

(d) A projection from any eaves may exceed a street boundary or building line.

8. Restriction on the erection of buildings within the one-in-fifty-year flood-line

(1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.

(3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by

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artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

8.1. Building Activities that need Approval from the Municipality

Generally building activity that needs approval of the Municipality includes the following:

(1) Constructing a new building or other structures such as sheds, towers, temporary structures;

(2) Extending existing buildings;

(3) Undertaking alterations to an existing building including structural alterations, altering internal walls and partitions;

(4) Installing new or altering existing services such as electrical or hydraulic works;

(5) Demolishing or removing buildings, engineering works or services; and

(6) Installing signs, antennas, some fences.

8.2. Construction of Unapproved Building Plans

(1) Any proposed use or development on the erf requires the approval of the Municipality. This includes any construction or demolition of a building, carrying out of any internal alterations to an existing building, or the carrying out of works on the erf.

(2) The Municipality is responsible for the following in accordance to the Building Regulations By-Laws:

(a) Responsible for processing and approving building plans presented by individuals, the private sector, associations and Government Agencies.

(b) Inspect building constructions from time to time and declare the building fit for occupations upon its completion.

(c) Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action.

(d) Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on.

(e) Issue compounds for violations such as building stalls, temples and placement of building materials within public areas.

(3) Applications will not be assessed until all relevant plans, elevations and supporting information is submitted and the appropriate application fee is paid.

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(4) The primary responsibility of the Municipality is to assess land use and development proposals against the requirements of the Land Use Plan.

(5) Upon receipt of an application the Municipality will first check that the application submission requirements have been met. Once the Municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan. The application will then be referred to relevant referral authorities.

(6) Where appropriate, the comments/requirements of referral authorities may be addressed via conditions on the planning permit issued by Municipality.

(7) Once authorities have commented upon an application the Municipality will prepare a report and recommendations on the proposal for consideration. Where appropriate this will include additional conditions that address the requirements of authorities.

(8) Subject to Municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development.

(9) Once the Municipality has granted planning approval, a building approval is required to be obtained from the Municipality. The Municipality is required to make an assessment of the development against the Building Regulations By-Laws and any other relevant Legislation. Importantly the Building Regulations By-Laws prevent the Municipality officials from issuing any approval which is not consistent with the approved Master Plan.

8.3. Exemptions from Requiring Building Approval

(1) There are numerous minor works that may not require formal building approval but will still require a minor work order. Examples are: -

(a) Minor painting.

(b) Some minor landscaping works.

(c) Some minor repair and maintenance works.

(d) Works that the Municipality deems to be minor.

(2) Advice is to be sought from the Municipality, who will liaise with the individual as to whether the proposed works are exempt. No works are to commence until advice, is

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sought.

8.4. Building Approval Requirements

An application for building approval is required to be lodged with the responsible Municipality official who will forward it with appropriate comment to the Manager Town Planning. Generally, this will require an application form to be completed, appropriate drawings and or details to be submitted depending on the extent of the works and payment of the application fee which is based on the cost of works. Prior to the building approval being issued, consent for the works must be issued by Municipality.

8.5. Certificates of Occupancy

Before a building may be occupied or used a Certificate of Compliance for Occupancy/Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed.

8.6. Penalties for Construction of Unapproved Building Plans

(1) This Building Regulations By-Laws give authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

(2) Penalties for Altering of Existing Structure Before Approval: -

(a) It should be noted that heavy penalties exist for noncompliance with the Building Regulations By-Laws.

8.7. Construction of Shacks on Proclaimed Areas and Procedures relating to the termination of Unauthorized Informal Settlements

(1) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Manager Town Planning must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.

(2) The written notice contemplated in subsection (1) must-

(a) Notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

(b) Request the residents of the shack to vacate the shack and remove any building

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materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.

(3) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager Town Planning must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.

(4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager Town Planning must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5).

(5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Manager Town Planning must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.

(6) The Manager Town Planning must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit or enlist the services of a private Security Company to execute the eviction order and to terminate the unauthorized informal settlement by: -
(a) Evicting the residents of the unauthorized informal settlement;
(b) Demolishing and removing all shacks and removing all building materials and other personal property from the unauthorized informal settlement; and
(c) Disposing of the building materials and other personal property in accordance with the provisions of these bylaws.

(7) Any costs incurred by the Manager Town Planning for the purposes of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved

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budget.

8.8. Disposal of Building Materials and Personal Property

(1) In the execution of the provisions of section 8(8), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Manager Town Planning.

(2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Manager Town Planning, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that:-

(a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and

(b) Any building materials or other personal property which is, in the opinion of the Manager: Informal

Settlements, valueless and unable to realise any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the Manager Town Planning.

(3) The Manager Town Planning must compile and maintain a register in which is recorded and appears-

(a) Particulars of all building materials or other personal property removed and stored in terms of this By-Laws;

(b) The date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and

(c)(i) The signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or

(ii) Full details of the amount realised on the sale of building materials or other personal property in terms of subsection (2) and the date of the sale; and

(iii) If building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Manager Town Planning to the effect that the building materials or personal property was valueless.

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(4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of, or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

9. Relay of Stormwater from High-lying Erven to Lower-lying Erven

If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lower-lying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from which stormwater is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharged.

10. Enclosures

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule 1, subject to any other provisions of this By-Law.

11. Roofs

(1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 months after construction thereof if the Municipality so requires.

(2) No roof surface may have a luminous finish.

PART D: SEWERAGE
GENERAL PROVISIONS

12. Connection to Sewer

(1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

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(2) Subject to the provisions of subsection (3), and without prejudice to the provisions on the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.

(3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.

(4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.

(5) Except as may be otherwise authorized by the Municipality in writing, no person other than an officer duly authorized to do so may lay and connect any connecting sewer to a sewer.

(6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorized by the Municipality.

13. Disconnection of Drainage Installations and Conservancy and Septic Tanks

(1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.

(2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that-

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(a) The disconnection has been completed in terms of the National Building Regulations; and
(b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.

(3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and just recover from the owner of the premises the cost of the work in accordance with section 14(5).

(4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under this By-Law.

(5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

14. Drainage Work that does not meet the Requirements

(1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these By-Laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous By-Laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.

(2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such

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action as may be necessary to prevent the recurrence of the nuisance.

(3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or these By-Laws -
(a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these By-Laws; and
(b) Recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of this By-Law to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15. Maintenance

Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

16. Drain and Sewer Blockages

(1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

(2) If the owner or occupier of any premises has reason to believe that a blockage has

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occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.

(3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person contemplated in subsection (3) must: -
(a) Before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and
(b) After removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.

(5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).

(6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.

(7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).

(8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

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17. Interference with or Damage to Sewers and Water Care Works

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of non-compliance with or the contravention of any provision of the National Building Regulations or these By-Laws must be rectified or repaired by the Municipality at the expense of the person responsible for such non-compliance or contravention or for causing or permitting such non-compliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

18. Entry on to Premises

(1) An officer authorized by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

(2) The owner or occupier of any premises is guilty of an offence under these By-Laws if he or she, in respect of an officer entering on the premises in terms of subsection (1):-

(a) Denies the officer entry to the premises or causes or permits any other person to deny the officer entry;

(b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;

(c) Withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or

(d) Knowingly gives the officer false information or causes or permits any other person to give the officer such information.

19. Manholes on Municipal Property

(1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner of the premises, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide, and such owner must bear the cost, as determined by the Municipality, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.

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(2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 80B of the Local Government Ordinance, 1939.

20. Mechanical Food-waste and Other Disposal Units

(1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that:-

(a) The Municipality installs and seals the water meter at the cost of the owner; and

(b) The Municipality has the right of access to the water meter at all times.

(2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.

(3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

(4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

PREVENTION OF WATER POLLUTION

21. Sewage and other Pollutants not to Enter Stormwater Drains

(1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.

(2) Where the hosing down or the flushing by rainwater of an open area on any private

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premises is in the opinion of the Municipality likely to -

(a) Cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourses, whether natural or artificial; or

(b) Contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimize the discharge or pollution.

22. Stormwater not to Enter Sewers

No person may discharge or cause or permit to be discharged any stormwater or any substance other than sewage into a drainage installation.

23. Discharge from Fountains, Boreholes, Wells, Reservoirs and Swimming Pools

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

24. Permission to Discharge Industrial Effluent

(1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.

(2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to

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impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -
(a) Liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and
(b) Liable for any damage caused as a result of the unauthorized discharge.

(6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:
(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
(b) A prosecution in terms of the National Water Act, 1998 (Act 36 of 1998), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.

(7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the National Water Act of 1998, or as a result of any amendment to this By-Law or for any other reason, the Municipality may from time to time or at any time:-

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(a) Review, amend, modify or revoke any permission given or any conditions attached to such permission;

(b) Impose new conditions for the acceptance of industrial effluent into a sewer; or

(c) Prohibit the discharge of any or all industrial effluent into a sewer, provided that: -

(i) The Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) Upon expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. Control of Industrial Effluent

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch- pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by this By-Law, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality.

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of these By-Laws, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which

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may be laid down in respect of such water care works in terms of the National Water Act,

(b) The owner or occupier must: -

(i) Restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

(ii) Install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

(c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -

(i) Discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or

(ii) Discharging any domestic sewage through the separate installation for industrial effluent.

(d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.

(e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

(f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.

(g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

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26. Metering and Assessment of the Volume and Composition of Industrial Effluent

(1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.

(2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must: -

(a) Register the borehole or well with the Municipality;

(b) Give the Municipality full particulars of the discharge capacity of the borehole or well; and

(c) If the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these By-Laws.

27. Prohibited Discharges

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which: -

(a) In the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;

(b) Is in the form of steam or vapor or has a temperature exceeding 44 °C at the point at which it enters the sewer;

(c) Has a pH value less than 6, 0 or greater than 10, 0;

(d) Contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;

(e) Contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;

(f) contains any material whatsoever, including oil, grease, fat or a detergent, which is

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capable of causing interference with the proper operation of any water care works;
(g) shows any visible signs of tar or associated products or distillates, bitumen or asphalts;
(h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odor or colour, or excessive foam;
(i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that-
(i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
(ii) The Municipality is satisfied that the discharge or entry of the substance into the sewer will not –
(aa) damage the sewer or any mechanical appliance, water care works or equipment;
(bb) prejudice the use of sewage for re-use; or
(cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
(j) Contains any substance whatsoever which, in the opinion of the Municipality: -
(i) Is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
(ii) Is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any Water care Works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act 36 of 1998) or
(iii) Whether listed in Schedule II or not, either alone or in combination with other matter may: -
(aa) Generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
(bb) Be harmful to sewers, water care works, or land used for the disposal of purified sewage effluent; or
(cc) Adversely affect any of the processes whereby sewage is purified, or purified sewage effluent is used.

(2) (a) Any person who receives from an officer duly authorized thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) Must immediately stop such discharge.

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(b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.
(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this By-Law.

Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

PARTE: WATER

28. Connection from main

(1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.

(2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.

(3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

29. Valves in Communication Pipes

Every communication pipe must be fitted with a proper stop valve, which valve: -
(a) Must be supplied by the Municipality at the expense of the consumer to whose premises the communication pipe leads;
(b) Must be installed between the consumer's premises and the main;
(c) Must be of the same diameter as the communication pipe; and
(d) Must be in such position as may be determined by the Municipality.

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30. Additions to Fire Extinguishing System

No further sprinkler may without the prior written consent of the Municipality be added or connected to any existing fire extinguishing system after such system has been connected to the main.

31. Extension of Fire Extinguishing System to Other Premises

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

32. Inspection and Approval of Fire Extinguishing Services

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that -

(a) Such service is in accordance with these By-Laws; and

(b) The work in connection with the system has been carried out to the Municipality's satisfaction.

33. Connections to be to the Satisfaction of the Municipality

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

34. Installation of Reflux Valves

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

35. Sprinkler Systems

(1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.

(2) When an automatic sprinkler system on any premises has been installed and completed, the owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

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36. Header Tanks and Duplicate Supply from Main

If a header tank is installed above ground level, the header tank must be provided with an overflow pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

PART F: NOTICES

37. Right of access to premises

(1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-

(a) Doing anything authorized or required to be done by the Municipality under this by-law or any other law;

(b) Inspecting and examining structures to comply with approved building plans, service mains and anything connected with this by-law;

(c) Enforcing compliance with the provisions of this by-law or any other law;

(2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Municipality is authorized to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

38. Notices

(1) Every notice, order or other document issued or served by the Municipality in terms of this By-Law is valid if signed by an officer of the Municipality who is duly authorized thereto.

(2) Any notice, order or other document served on any person in terms of these By-Laws must be served in the following manner: -

(a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or

(b) By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;

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(c) If he/she has nominated an address for legal purposes, by delivering the notice to such an address; or

(d) By registered or certified post addressed to his last known address;

(e) In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;

(f) If service cannot be effected in terms of paragraphs (a) to (e) by affixing it to the principal door of entry into the premises, or displaying it on a conspicuous place on the land to which it relates;

(3) The notice, order or other document, or a true copy thereof served in terms of this By-law on any person, must be posted by registered post to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served seven days after it was posted.

(4) In every notice, order or other document issued or served in terms of this By-Law, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

PART G: OFFENCES AND PENALTIES

39. Offences and Penalties

(1) Notwithstanding any provision of this By-laws in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of these By-Laws commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

(2) A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence if such person or organization:

(a) Fails to comply with a decision taken or condition imposed by the Municipality in terms of this By-law;

(b) Willfully and with intent provides false or misleading information in connection with an application contemplated in this By-law;

(c) Unlawfully prevents a duly authorized officer entry into his or her premises or causes or permits any other person to prevent entry;

(d) Refuses or fails to provide to an authorized officer such information as is required to

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allow an authorized officer to perform a function in terms of this By-law;

(e) Furnishes false or misleading information to an official of the Municipality when called upon to furnish information;

(f) Impersonates an authorized officer;

(g) Contravenes or fails to comply with any provision of this By-law; or

(h) Supplies particulars, information or answers in an application or on knowing it to be false, incorrect or misleading;

(3) Any person convicted of an offence in terms of this By-law, shall be liable upon conviction to a fine or imprisonment or both such fine and imprisonment.

(4) A person convicted under this By-law who after conviction, continues with the conduct in respect of which he or she was so convicted, is guilty of a continuing offence and upon conviction is liable to a fine or to imprisonment, or to both such fine and imprisonment, in respect of each day on which he or she continues with that conduct.

(5) A person convicted under this By-law shall be liable to a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

40. Prosecution of corporate body and partnership

A partner in a partnership, a member of the board, executive committee or other managing body or a corporate body is personally guilty of an offence contemplated in terms of these By-Laws if such offence was committed by:

(a) A corporate body established in terms of any law; or

(b) A partnership; and

Such person failed to take reasonable steps to prevent the offence.

CHARPTER 8
GENERAL

41. Appeals

Any person may appeal against any decision taken under these By-Laws by giving written notice of the appeal in accordance with the provisions of section 62 of the Municipal Systems Act, 2000, as amended.

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42. Exemptions

(1) Any person may in writing, apply for exemption from the provisions of these By-Laws to the Municipality.

(2) An application in terms of subsection (1) above must be accompanied by reasons.

(3) The Municipality may grant a temporary exemption in writing from one or all of the provisions of this By-law, provided that the Municipality:

(a) is satisfied that granting the exemption will not prejudice the objectives referred to in section 1; and

(b) grants any exception subject to conditions that promote the attainment of the objectives referred to in section 1.

(4) The Municipality must not grant an exemption under subsection (1) until the Municipality has:

(a) Taken measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the exemption, including but not limited to adjacent land owners or occupiers (including surrounding communities), are aware of the application for exemption and how to obtain a copy of it;

(b) Provided such persons with a reasonable opportunity to object to the application; and

(c) Duly authorized and taken into account any objections raised;

(5) The Municipality may:

(a) From time to time review any exemptions granted in terms of this section; and

(b) on good grounds withdraw any exemption.

43. Exemption from Liability

No approval, permission, report, certificate or act granted, issued or performed in terms of this By-law or on behalf of the Municipality or the council in connection with a building or the design, erection, demolition or alteration thereof, shall have the effect that-

(a) The Municipality be liable to any person for any loss, damage or injury or death resulting from or arising out of or in any way connected with the manner in which such building was designed, erected, demolished or altered or the material used in the erection of such

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a building;

(b) The owner of such building be exempted from the duty to take care and to ensure that such building be designed, erected, completed, occupied and used or demolished or altered in accordance with the provisions of these By-Laws and any other applicable law;

(c) Any person be exempted from the provisions of any other law applicable in the area of jurisdiction of the Municipality.

44. Repeal of By-Laws

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

45. Short title and commencement

These By-Laws shall be known as the Musina Local Municipality: Building Regulation By-Laws and shall come into operation on the date of publication thereof in the *Provincial Gazette*.

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SCHEDULES

SCHEDULE I

CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

1. Height restrictions

(1) Subject to the provisions of paragraph 3, no enclosure (except and enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1 m, irrespective of the type of material from which the enclosure is made.

(2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1, 75 m.

2. Design and appearance

(1) An enclosure referred to in paragraph 1 must adhere to the South African National Standard 204:2011 that deals with energy efficiency and the following conditions if the enclosure is visible from an adjacent street or public open space:

(a) All surfaces of the enclosure that are visible from an adjacent street or public open space must"-

(i) Be skillfully finished;

(ii) Be of good quality material;

(iii) Be without any defect; and

(iv) Have an exposed or finished side.

(b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.

(c) If the enclosure is made of precast material, it must-

(i) have a brick-pattern finish and be painted white; or

(ii) Be of a finish or colour approved by the Municipality.

(d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

(2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:

(a) All surfaces of the enclosure that front on an adjacent erf must-

(i) be skillfully finished;

(ii) Be of good quality material;

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(iii) be without any defect; and

(IV) be maintenance-free.

(b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.

(c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

3. General

Notwithstanding the provisions of paragraphs 1 and 2: -

(a) The Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;

(b) An enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;

(c) The barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;

(d) The maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and

(e) The height of any enclosure must, for the purpose of this schedule, be measured from natural ground level

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SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:-

(1) The limits of pH and electrical conductivity of sewage are as follows:

(a) PH: within the range of 6, 0 to 10, 0; and

(b) Electrical conductivity: not greater than 300 m/Sm at 20 °C.

(2) The maximum permissible concentrations of pollution in sewage, expressed in milligrams per litre

(mg/1), are as follows: -

(a) GENERAL

(i) Permanganate value (PV): 1 400 mg/ℓ;

(ii) Caustic alkalinity (expressed as $CaCO_3$): 2 000 mg/ℓ;

(iii) Substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 mg/ℓ;

(iv) Substances soluble in petroleum ether: 500 mg/ℓ;

(v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 mg/ℓ;

(vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or water care works (expressed as HCN): 20 mg/ℓ;

(vii) Formaldehyde (expressed as CH_20): 50 mg/ℓ;

(viii) phenolic compounds: 1, 0 mg/ℓ;

(ix) Non-organic solids in suspension: 100 mg/ℓ;

(x) chemical oxygen demand (COD): 5 000 mg/ℓ;

(xi) All sugars and/or starches (expressed as glucose): 1 500 mg/ℓ;

(xii) available chlorine (expressed as Cl): 100 mg/ℓ;

(xiii) sulphates and sulphites (expressed as SO_4): 1 800 mg/ℓ;

(xiv) fluorine-containing compounds (expressed as F): 5 mg/ℓ;

(xv) anionic surface activators: 500 mg/ℓ; and

(xvi) Orthophosphates (expressed as P): 10 mg/ℓ.

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(b) METALS

(i) Group 1

The total collective concentration of the following metals (which constitute Group 1) in any sample of effluent may not exceed 20 mg/ℓ, nor may the concentration of any individual metal in any sample exceed 5 mg/ℓ:

(aa) Chromium (expressed as Cr);

(bb) copper (expressed as Cu);

(cc) nickel (expressed as Ni);

(dd) zinc (expressed as Zn);

(ee) silver (expressed as Ag};

(ff) cobalt (expressed as Co);

(gg) cadmium (expressed as Cd); and

(hh) manganese (expressed as Mn).

(ii) Group 2

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/ℓ, nor may the concentration of any individual metal in any sample exceed20 mg/ℓ: -

(aa) Lead (expressed as Pb);

(bb) selenium (expressed as Se); and

(cc) mercury (expressed as Hg).

(iii) Group 3

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/ℓ:

(aa) Arsenic (expressed as As); and

(bb) Boron (expressed as B).

(c) RADIOACTIVE WASTE

1. Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

2. The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

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